



Fact sheet: List of Issues Prior to Reporting

August 2026

This fact sheet summarises the key requests in the *List of Issues Prior to Reporting* (LOIPR). It explains what information the United Nations (UN) Committee against Torture (the Committee) has asked Australia to include in its next periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

What is the List of Issues Prior to Reporting?

The LOIPR is a document that the Committee adopts before a periodic report is due, guiding the content of the report and allowing the State to focus on key areas by highlighting specific areas of interest.

The Committee establishes the LOIPR based on documentation from non-governmental Organisations, UN agencies and National Human Rights Institutions (NHRIs). During its 83rd session (10 to 28 November 2025), the Committee adopted Australia's LOIPR for its seventh periodic report.

Australia must respond to these requests in its next report under the CAT.

Part 1 - Specific information on the implementation of Articles 1–16 of the CAT

Paragraph 1

The Committee advised that it considers that some recommendations of the previous Concluding Observations relating to conditions of detention and juvenile justice have been partially implemented and that recommendations relating to mandatory immigration detention, including of children, have not been implemented.

Legislative, administrative, judicial & other measures (Article 2)

Paragraph 2 – Implementation of the CAT across all jurisdictions

The Committee asks Australia to provide information on how it:

- incorporates the provisions of the CAT into domestic law
- strengthens its legislative scrutiny processes
- amends human rights-related bills in response to recommendations from the Parliamentary Joint Committee on Human Rights
- harmonises federal, state and territory anti-torture legislation.

Paragraph 3 – Legal safeguards for detainees

The Committee asks Australia to provide information on how it ensures:

- that all detainees enjoy fundamental legal safeguards
- law enforcement and other officials respect these safeguards
- video monitoring coverage of places of deprivation of liberty and interrogation rooms.

Paragraph 4 – Australian Human Rights Commission Act

The Committee asks Australia to provide information on how:

- legislation has explicit reference to the CAT
- it ensures that sufficient resources are allocated to the Australian Human Rights Commission (AHRC)
- it responds to the AHRC's conclusions on individual complaints.

The Committee also asks for statistical data on the complaints made to the AHRC in relation to alleged torture or ill-treatment.

Paragraph 5 – Preventing and combatting gender-based violence

The Committee asks Australia to provide information on how it:

- prevents and combats violence against women and girls, with a focus on Aboriginal and Torres Strait Islander peoples and people with disability
- builds capacity on gender-sensitive responses to domestic violence for law enforcement and the judiciary
- encourages reporting of gender-based violence incidents
- ensures geographically distributed, funded, safe shelters for survivors of gender-based violence
- is implementing and monitoring the National Plan to End Violence against Women and Children.

The Committee also asks for statistical data on complaints of gender-based violence for all jurisdictions.

Paragraph 6 – Combating trafficking in persons

The Committee asks Australia to provide information on how it:

- is combatting human trafficking for forced labour and sexual and other forms of exploitation
- is enforcing the *Modern Slavery Act 2018* (Cth) and Divisions 270 and 271 of the *Criminal Code Act 1995* (Cth).

The Committee also asks for statistical data on complaints of human trafficking.

Asylum-seekers & non-refoulement (Article 3)

Paragraph 7 – Migration, asylum and non-refoulement

The Committee asks Australia to provide information on:

- measures taken to ensure, in practice, that no person is returned to a country where there are grounds for believing there is danger of torture
- policy and practices of intercepting at sea, detaining and turning back asylum-seekers and other persons
- reviewing the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (Cth)
- amending section 197C (1) and (2) of the *Migration Act 1958* (Cth)
- independent oversight to monitor compliance with international human rights and refugee law
- measures taken to incorporate into domestic law the provisions of international conventions
- plans and procedures in place to identify and immediately refer vulnerable asylum-seekers.

Paragraph 8 – Asylum applications

The Committee asks for statistical data on the number of persons seeking asylum, successful applications, appeals and returns, extraditions and expulsions. The Committee also asks about how Australia has implemented the Committee's decision under article 22 of the CAT in the case of *S.L. v Australia* (CAT/C/75/D/964/2019).

Extradition or prosecution (Articles 5-9)

Paragraph 9 – Extradition or prosecution

The Committee asks Australia to provide information on:

- any new legislation or measures that have been adopted to implement article 5 of the CAT
- measures that have been taken during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*)
- cases in which the State Party has agreed to extradite a person for torture or related offences, whether the State Party has rejected, for any reason, the request of a third State for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such individual as a result, and information on the status and outcome of such proceedings.

The Committee also asks for information on:

- any extradition treaties with other States Parties and whether the offences referred to in article 4 of the CAT are included as extraditable offences
- any treaties or agreements on mutual judicial assistance that Australia has entered into.

Education & training (Article 10)

Paragraph 10 – Educational and training programs

The Committee asks Australia to provide information on:

- educational and training programs for officials on the prohibition of torture
- percentage of officials which have completed them and measures to train the remaining officials
- training of police officers and other law enforcement officials in non-coercive investigating techniques
- training judges, prosecutors, forensic doctors and medical personnel on detecting the consequences of torture, ensuring effective documentation and verifying admissibility of confessions
- measures to give effect to provisions of article 10 (2) of the CAT.

Systematic review & prevention (Article 11)

Paragraph 11 – Interrogation rules, methods and practices

The Committee asks Australia to provide information on:

- ensuring compliance with article 11 of the CAT and interrogation rules, methods and practices
- the frequency with which these are reviewed and procedures for reviewing them.

Paragraph 12 – Detention facilities

The Committee asks Australia to provide information on steps taken to address the overuse of pre-trial detention, including for drug-related offences.

The Committee also asks for statistical data on the capacity of all detention facilities and their occupancy rates, number of remand and convicted prisoners at each facility and the use of alternatives to pretrial detention, particularly for Aboriginal and Torres Strait Islander peoples.

Paragraph 13 – Conditions in detention

The Committee asks Australia to provide information on how it:

- improves conditions of detention in detention facilities, in line with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

- reduces overcrowding in places of detention, including alternatives to imprisonment before and after trial
- increases recreational, educational and vocational activities to foster rehabilitation
- ensures that means of restraint are subject to strict regulation, used for the shortest time possible and only when strictly necessary and proportionate, with continued monitoring of the person under restraint
- is taking measures to end the use of spit hoods, spit guards and all similar equipment, as well as electrical discharge weapons (tasers) and chemical agents
- ensures that strip-searches are not performed routinely and are conducted in a private and respectful manner by appropriately trained staff members of the same sex.

Paragraph 14 – Asylum-seekers and migration

The Committee asks Australia to provide information on:

- repealing the provisions of the Migration Act establishing the mandatory detention of persons entering Australia's territory irregularly, including children
- ensuring that the detention of asylum-seekers and migrants is used only as a last resort, where it is justified and for as short a period as possible, and implementing alternatives to closed immigration detention
- ensuring that children and families with children are not detained solely because of immigration status
- improving living conditions and addressing overcrowding in immigration detention facilities
- procedures in place to identify victims of torture to ensure they are not detained within the context of asylum procedures.
- introducing independent processes, both when a decision is taken to detain and during detention
- statistical data on the number of asylum-seekers and migrants in detention, the average time of detention and the use of alternatives to detention.

Paragraph 15 – Monitoring and investigation

The Committee asks Australia to provide information on how it:

- investigates allegations of human rights violations and suspicious deaths involving migrants and asylum-seekers detained in offshore detention facilities, prosecutes alleged perpetrators, punishes them appropriately if convicted and provides redress to the victims
- ensures regular and independent monitoring of these facilities.

The Committee also asks whether Australia will end offshore processing of asylum claims and to comment on reports that refugees, children and adults have yet to be resettled years after having been recognised.

Paragraph 16 – Aboriginal and Torres Strait Islander peoples in prison

The Committee asks Australia to provide information on how it:

- is addressing the overrepresentation of Aboriginal and Torres Strait Islander peoples in prison, including underlying causes
- ensures culturally appropriate, qualified and accessible legal services are available to Aboriginal and Torres Strait Islander peoples
- is progressing in meeting the targets and commitments set out in the *National Agreement on Closing the Gap (2019–2029)*.

The Committee also asks for statistical data on the number of Aboriginal and Torres Strait Islander peoples in prison and on sentences imposed.

Paragraph 17 – Deaths in custody

The Committee asks Australia to provide information on:

- implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody
- reducing the incidence of inter-prisoner violence in penitentiary institutions, including recruitment and training of personnel
- statistical data on deaths in custody, number and outcome of investigations conducted in such cases, criminal and disciplinary penalties imposed, and steps taken to prevent recurrence.

Paragraph 18 – Children in detention, minimum age of criminal responsibility

The Committee asks Australia to provide information on:

- raising the minimum age of criminal responsibility
- ensuring that detention of children is used only as a last resort and for the shortest period possible, and promoting the use of alternatives to detention both before and after trial
- prohibiting the use of force, including physical restraints, for coercion or discipline of children in custody
- improving living conditions in detention centres for children, including access to education and health
- ensuring children in detention are separated from adults and solitary confinement is banned in all youth detention centres across jurisdictions
- reducing the incarceration rate of Aboriginal and Torres Strait Islander children
- measures taken to implement the recommendations of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory and the report of the National Children's Commissioner ('Help Way Earlier').

Paragraph 19 – People with psychosocial and intellectual disabilities

The Committee asks Australia to provide information on:

- measures taken to move away from the involuntary hospitalisation and forced institutionalisation of persons with psychosocial or intellectual disabilities
- ensuring that instruments of restraint and force are used legally, under appropriate supervision, for the shortest time possible and only when strictly necessary and proportionate
- measures taken to prohibit medical treatment and medical interventions, including sterilisation
- ensuring that solitary confinement is prohibited in the case of people with disabilities when their conditions would be exacerbated by such measures
- the implementation status of the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- statistical data on the living conditions of people with psychosocial or intellectual disabilities deprived of their liberty.

Paragraph 20 – National Preventive Mechanisms (NPMs)

The Committee asks Australia to provide information on:

- progress made towards establishing this network across all states and territories
- building the capacity of the Commonwealth Ombudsman in coordinating the network of NPMs
- ensuring access to all places of deprivation of liberty in all jurisdictions is granted to the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- implementing the recommendations of existing monitoring bodies following visits to detention facilities, particularly regarding allegations of torture or ill-treatment.

Independent investigation (Articles 12, 13)

Paragraph 21 – Independent investigation

The Committee asks Australia to provide information on:

- ensuring that all complaints of torture and ill-treatment, including excessive use of force are promptly investigated by an independent body and that perpetrators are prosecuted and punished if found guilty
- ensuring there is no hierarchical or institutional link between investigators and suspected perpetrators of acts of torture or ill-treatment
- authorities competent to initiate and carry out investigations and how those authorities interact with the Office of the Commonwealth Director of Public Prosecutions and the Offices of the Director of Public Prosecutions at the state and territory level during investigations.

Paragraph 22 – Data on acts of torture

The Committee asks for statistical data on victims and the services to which the persons accused of committing acts of torture belong.

Redress and rehabilitation (Article 14)

Paragraph 23 – Redress and compensation measures

The Committee asks Australia to provide information on:

- measures to ensure, in law and in practice, that victims of torture or ill-treatment may seek and obtain prompt, fair and adequate compensation and as full rehabilitation as possible
- legislative and administrative measures ensuring access to effective remedies and redress where the perpetrators have not been identified or found guilty of an offence
- ongoing rehabilitation programs for victims of torture and ill-treatment
- statistical data on redress and compensation measures, applications for compensation for torture and ill-treatment, applications granted and the range of awards in successful cases.

Paragraph 24 – Redress for victims of unlawful conduct in Afghanistan

The Committee asks Australia to provide information on:

- steps taken to provide redress, including adequate compensation, measures of rehabilitation, acknowledgement of the truth, public apologies and commemoration of the victims
- reviewing regulations to ensure they provide an enforceable right to compensation, adequate due process and judicial safeguards.

Corporal punishment and use of tasers (Article 16)

Paragraph 25 – Corporal punishment

The Committee asks Australia to provide information on:

- legislative measures to explicitly prohibit corporal punishment in all settings in all states and territories
- steps taken to repeal the legal defence of “reasonable chastisement”
- measures taken to investigate cases of corporal punishment of children and expand education campaigns to promote positive non-violent forms of discipline.

Paragraph 26 – Use of tasers

The Committee asks Australia to provide information on:

- ensuring the use of tasers is strictly compliant with the principles of necessity, subsidiarity, proportionality and advance warning

- prohibiting their use on children, pregnant women and other vulnerable groups
- investigating the causes of disproportionate use against Aboriginal and Torres Strait Islander peoples and minority groups
- any instances of alleged excessive use of force that have occurred because of using such devices, and the outcomes of any investigations.

Part 2 – Other issues

Paragraph 27 – Counter-terrorism measures

The Committee asks Australia to provide information on:

- measures taken to respond to threats of terrorism and whether the measures have affected human rights safeguards
- ensuring counter-terrorism measures are compatible with obligations under international law, particularly the CAT
- reviewing its interpretation of the definition of terrorism in domestic legislation and restricting the warrant powers provided to the Australian Security Intelligence Organisation to detain a person with the possibility of restricting access to a lawyer of choice
- implementing the recommendations of the Independent National Security Legislation Monitor and the Council of Australian Governments to ensure counter-terrorism legislation complies with international standards.

Part 3 – General information on other measures and developments relating to the implementation of the CAT

Paragraph 28 – Other legislative, administrative, judicial or other measures

The Committee asks Australia to provide information on any other relevant legislative, administrative, judicial or other measures taken since the previous periodic report to implement the provisions of the CAT or the Committee's recommendations.