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**Human Rights Committee****List of issues prior to submission of the seventh periodic report of Australia\*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please report on any significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations<sup>1</sup>, and provide examples of cases in which the provisions of the Covenant have been referred to or implemented in national legislation or by the national courts and of actions taken to incorporate the provisions of the Covenants in domestic law. Please report on any measures taken to implement the recommendations contained in the Committee's previous concluding observations and Views under the First Optional Protocol, as well as of the mechanisms in place for promoting the implementation of the Committee's Views, including in the cases of *M.I. et al v Australia*<sup>2</sup> and *Nabhari v Australia*<sup>3</sup> and *Billy and others v Australia*<sup>4</sup>, so as to guarantee the right of the victims to an effective remedy.

**B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

2. Further to the Committee's previous concluding observations (para. 12)<sup>5</sup> and recognizing the federal system of the State party, please provide information on the measures taken to ensure that federal and State legislation complies with the provisions of the Covenant, including examples of modifications made to bills in response to reports from the Parliamentary Joint Committee on Human Rights, and measures adopted to ensure that no bills are adopted before a review of their compatibility with the Covenant. Please provide information on the steps taken to continue to raise awareness of the Covenant's provisions among judges, lawyers, prosecutors, federal immigration officers and other law enforcement officials.

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\* Adopted by the Committee at its 144th session (23 June-17 July 2025).

<sup>1</sup> [CCPR/C/AUS/CO/6](#).

<sup>2</sup> CCPR/C/142/D/2749/2016.

<sup>3</sup> CCPR/C/142/D/3663/2019.

<sup>4</sup> CCPR/C/135/D/3624/2019.

<sup>5</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/AUS/CO/6](#).

3. With reference to the Committee's previous concluding observations (para. 8), please give information on whether the State party plans to withdraw its reservations to articles 10, 14 (6) and 20 of the Covenant; and the periodic reviews carried out to evaluate the justification for and necessity of the reservations.

**National human rights institution (art. 2)**

4. With reference to the Committee's previous concluding observations (para. 14), please provide information on measures taken to strengthen the independence of the Australian Human Rights Commission and ensure it is provided with adequate human, financial and technical resources to be able to discharge its mandate effectively and independently in full compliance with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles). Please also provide an update on the response given to the recommendations made by the GANHRI sub-committee on accreditation to extend the scope of the Commission's mandate to all relevant international human rights instruments.

**Non-discrimination (arts. 2, 19, 20 and 26)**

5. Bearing in mind the Committee's previous concluding observations (para. 18), please provide information on the measures taken to consolidate non-discrimination provisions in comprehensive federal legislation that ensures substantive and procedural protection against all forms of discrimination on all grounds prohibited by the Covenant, including on religious grounds and intersectional discrimination. Please describe the measures taken to facilitate and encourage reporting of instances of discrimination, and the protection measures and remedies available to victims. Please provide updated statistical information regarding the number complaints of discrimination received, including those by the Australian Human Rights Commission, the investigations carried out and their outcome, the perpetrators brought to justice and the nature of the penalties imposed, as well as the remedies provided to the victims.

6. With reference to the Committee's previous concluding observations (para. 20), please provide information on measures taken through law enforcement activities and awareness-raising to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds. Please inform of the measures taken to prevent and punish instances of racial profiling by law enforcement officers. Describe the initiatives undertaken to promote tolerance for diversity and counter racism, including public campaigns and trainings of law enforcement personnel, immigration officers, judges and prosecutors on the promotion of racial, ethnic and religious diversity and on the inadmissibility of racial profiling.

7. Please describe the measures taken to prevent and combat discrimination and social stigmatization based on sexual orientation or gender identity, including access to healthcare and allegations of discrimination based on application of exemptions for religious schools permitted by the Sex Discrimination Act 1984. Please also provide information on measures taken to prevent and combat discrimination, stigma and prejudice based on sexual orientation or gender identity including by training public officials, law enforcement officers, judges and prosecutors, and conducting awareness-raising activities for the public to promote respect for diversity. Further to the Committee's previous concluding observations (paras. 27 and 28), please provide information on measures taken to expedite access to adequate healthcare to persons with gender dysphoria, including by removing the need for court authorization when the need for gender affirming care is uncontested.

**Violence against women, including domestic violence (arts. 3, 6, 7 and 26)**

8. Considering the Committee's previous concluding observations (para. 22) please provide information on measures taken to prevent and combat all forms of violence against women, including femicides, as well as on the implementation status of the National Plan to End Violence against Women and Children (2022–2032). In this regard, please describe the measures adopted to: (a) prevent cases of gender-based violence; (b) collect disaggregated data on gender-based violence by persons with disabilities, Aboriginal and Torres Strait Islander peoples, and LGBT individuals; (c) encourage the reporting of cases of violence

against women; and (d) provide comprehensive legal, medical and psychological assistance to victims. Please provide information on the numbers of complaints received, investigations opened, perpetrators prosecuted, and convictions handed down, as well as the nature of the sentences imposed on the persons convicted.

#### **Counter-terrorism measures (arts. 2, 9, 12, 14, 17 and 22)**

9. With reference to the Committee's previous concluding observations (para. 16), please provide information on measures taken to review the State party's counter-terrorism laws, policies and practices and ensure their compliance with the Covenant, in particular by reviewing their compatibility with the principles of necessity, legality, proportionality, non-discrimination, due process, and judicial oversight. Please include information on the necessity and proportionality of the additional powers granted to law enforcement agencies under the Surveillance Legislation Amendment (Identify and Disrupt) Act 2021 to address cyber-enabled crimes and on the conclusions of the Independent National Security Legislation Monitor regarding the compliance of this law and other counter-terrorism measures with the State party's international human rights obligations. Please provide information on the measures taken to ensure that the Criminal Code Amendment (Hate Crimes) Act 2025 complies with the provisions of the Covenant, in particular regarding the rights of security of persons and to a fair trial.

#### **Right to life (art. 6)**

10. In view of the Committee's general comment No. 36 (2018) on the right to life (para. 62), please provide information on measures taken to ensure a precautionary approach to the sustainable use of natural resources and the protection of people from the negative impacts of climate change and natural disasters, including information on how national legislation and policies and the proposed environmental protection agency address the disproportionate impacts on vulnerable groups such as Aboriginal and Torres Strait Islander peoples, and rural communities. Please indicate how the State party ensures that its asylum policy ensures that persons seeking international protection are not returned to countries where the impacts of climate change or environmental degradation would place them at risk of irreparable harm. Please provide information on any measures adopted to ensure that transnational cooperation by the police or the judiciary with counterparts in countries that impose capital punishment does not indirectly facilitate the imposition of the death penalty abroad when cooperating with countries that may impose death penalty.

11. Recalling the Committee's previous concluding observations (para. 32) please indicate the measures taken to ensure that all allegations of excessive use of force by law enforcement officers and immigration officers, especially those resulting in deaths in custody, are investigated in a fully independent and impartial manner and inform of any modifications in the civilian oversight or investigation of such allegations. Please provide updated statistical information regarding the number of complaints of excessive use of force or ill-treatment, as well as the number of investigations, prosecutions and convictions, the penalties imposed and the compensation provided to victims or members of their families, including information about the Aboriginal and Torres Strait Islander peoples and juveniles in detention.

#### **Prohibition of cruel, inhuman or degrading treatment or punishment (arts. 2, 3, 7, 9, 17 24 and 26)**

12. With reference to the Committee's previous concluding observations (paras. 24 and 26) please provide information on: (a) measures taken to abolish the practice of non-therapeutic sterilisation on women and girls with intellectual disabilities and/or cognitive impairments; (b) the implementation of recommendations made by the Senate Standing Committee on Community Affairs in its 2013 inquiry report on involuntary or coerced sterilization of intersex persons; and (c) the current regulation of irreversible medical treatment, especially surgery, of intersex infants and children.

**Treatment of aliens, including refugees and asylum-seekers (arts. 2, 7, 9, 10 and 17)**

13. Following up on the Committee's previous concluding observations (paras. 33-36) and the related follow-up evaluation, please describe the measures taken to ensure effective access to fair and effective refugee status determination procedures and to uphold the principle of non-refoulement in law and in practice, regardless of the mode of arrival and provide information on the current status of Section 197 (c) and (d) of the Migration Act 1958 which establishes that in some circumstances the removal of an individual is not subordinated to the non-refoulement obligation. Please indicate the measures taken to ensure full compliance with the Covenant regarding interceptions at sea, including turn-backs, takebacks and on-water assessments, as well as arrangements for the transferring of refugees or asylum seekers to offshore processing or detention facilities, such as in Nauru, and the consideration given to closing such facilities. Please indicate whether any oversight mechanisms are in place to monitor compliance with human rights and refugee law in the processing of intercepted and transferred persons, including by international observers.

14. With reference to the Committee's previous concluding observations (para. 38), the related follow-up evaluation and the Committee's general comment No. 35 (2014) on liberty and security of person (para. 18), please indicate the measures taken to bring laws and practices relating to immigration detention into compliance with article 9 of the Covenant. In particular, please provide information on measures taken to: (a) reduce the period of initial mandatory detention and ensure that any further period of detention is reasonable, necessary and proportionate in light of the individual's circumstances; (b) expand the use of alternatives to detention; (c) ensure that children are not detained; and (d) provide for a meaningful right to judicial review of detention decisions, including indefinite detention.

15. Please provide statistical information covering the reporting period about the number of people detained for immigration and asylum purposes, as well as the use of alternatives to detention, including disaggregated data about children and unaccompanied minors subject to immigration and community detentions. Please also provide information on the conditions of detention in immigration facilities, including provision of mental health care, on the use of force or physical restraints against migrants, as well as the investigations and prosecutions carried out, convictions imposed, and reparations granted regarding complaints against the excessive use of force.

**Liberty and security of person and treatment of persons deprived of their liberty (art. 7, 9, 10, 14, 26 and 27)**

16. Please indicate the measures taken to ensure that pretrial detention is only used as an exceptional measure and for a limited period of time, including for drug-related offences, and provide information on the use of non-custodial measures and penalties, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). With reference to the Committee's previous concluding observations (paras. 41 and 42) provide information on the measures taken to ensure (a) that conditions of detention adhere to the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular regarding overcrowding in places of detention; (b) the provision of adequate mental health care for prisoners; (c) instances of solitary confinement; and (d) the treatment of those imprisoned for drug related offences and their access to harm reduction and drug treatment health services and essential medicines, in line with the International Guidelines on Human Rights and Drug Policy.

17. Please provide information on the safeguards regarding the detention of persons with disabilities who are assessed as unfit to stand trial or not guilty by way of mental impairment. Please describe the measures taken to provide adequate safeguards, establish clear procedures for challenging the compulsory treatment, forced interventions and involuntary hospitalisations of persons with intellectual and/or psychosocial disabilities or mental disorder and establish community-based or alternative social care services.

18. With reference to the Committee's previous concluding observations (para. 40) please: (a) provide information on measures taken to address the overrepresentation of Aboriginal and Torres Strait Islanders peoples in prisons, including the review of regulations and policies that directly or indirectly lead to their high rates of incarceration; and (b) describe

measures to enhance the use of non-custodial programmes and to enable such persons to serve their sentences in the community. Please provide disaggregated statistical data on the number of Aboriginal and Torres Strait Islander peoples in the prison population, disaggregated by type of offence, including drug-related offences, and the corresponding sentencing patterns. Please also provide information on the measures taken to provide adequate, culturally appropriate and accessible legal services to Aboriginal and Torres Strait Islander people.

#### **Right to privacy (art. 17)**

19. Further to the Committee's previous concluding observations (para. 46), please provide information on measures taken to strengthen safeguards against arbitrary interference with the privacy of individuals in legislation and in practice, including that all online and offline measures respect the principles of legality, proportionality, necessity, access to remedies and judicial review. Please explain how the recently introduced statutory tort on serious invasions of privacy complies with the provisions of the Covenant, including access to remedies for persons whose right to privacy have been violated. Please provide information on the role of the eSafety Commissioner in preventing cyberbullying, limiting access to metadata, and combatting image-based abuse, cyber abuse and abhorrent violent material under the Online Safety Act, as well as the resources provided to the Commissioner.

#### **Freedom of expression (art. 19)**

20. Please provide information on measures taken to ensure that legislation and practice on freedom of expression, including restrictions on its exercise online and offline, complies with international human rights law. Please provide information on the measures taken, including in the Online Safety Act 2021, to ensure that age restrictions for social media platforms do not infringe the right to freedom of expression, access to information and privacy while ensuring protection of children.

#### **Freedom of assembly (art. 21)**

21. Please provide information on the measures taken to ensure that anti-protest legislation, such as the law passed in New South Wales through the Roads and Crimes Legislation Amendment Bill 2022 – which targets disruptive climate protests by imposing heavy penalties against environmental campaigners – fully complies with article 21 of the Covenant and its general comment No. 37 (2020) on the right of peaceful assembly. Please provide information on the Crimes Amendment (Places of Worship) Act 2025 (NSW) which disproportionately criminalizes any hindering in accessing a place of worship, and could significantly limit the exercise of the rights to freedom of assembly, freedom of association and freedom of expression.

#### **Rights of the child (arts. 9, 14 and 24)**

22. In light of the Committee's previous concluding observations (para. 44) please provide information on the measures taken to increase the minimum age of criminal responsibility, and to ensure that the detention of children is used only as a last resort, that they are not subjected to solitary confinement and that they are separated from adults in places of detention.

#### **Right to participate in public life (art. 25)**

23. With reference to the Committee's previous concluding observations (para. 48) please provide information on the number of people that have been legally disenfranchised from electoral processes due to disability and any measures taken to ensure that such decisions are not disproportionate and have reasonable or objective relation to their ability to vote.

#### **Rights of minorities and Indigenous Peoples (arts. 2, 9, 14, 26 and 27)**

24. Pursuant to the Committee's previous concluding observations (para. 50) and following the rejection of the 2023 referendum to enshrine an Indigenous Voice to Parliament in the Constitution, please inform on the alternative measures being taken to ensure the

effective participation of Aboriginal and Torres Strait Islander peoples in political decision-making processes at national, state, and local levels and how genuine consultations with Indigenous Peoples are being carried out following the referendum. Please provide information on measures taken to protect and promote the rights of Aboriginal and Torres Strait Islander peoples by meeting the targets established in the National Partnership Agreement on Closing the Gap of inequalities.

25. Following up to the Committee's previous concluding observations (paras. 51-54) please provide information on measures taken to ensure that the Native Title Act 1993 fully complies with the provisions of the Covenant and other international human rights obligations, and on efforts made to establish a national reparation mechanism, including compensation schemes for victims of the "stolen generation".

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