

Responses to Recommendations

AUSTRALIA

Review in the Working Group: 27 January 2011
 Adoption in the Plenary: 8 June 2011

Australia's responses to recommendations (as of 21.11.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	Out of the 145 recs. pending, 112 were accepted; 25 accepted in part (underlined in blue) and 10 rejected ¹	No additional information provided	Accepted: 137 Rejected: 10 No clear response: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/17/10:

A - 86.1. Ratify as soon as possible the Optional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Republic of Moldova);

A - 86.2. Speed up the process of the ratification of the OP-CAT (Azerbaijan);

A - 86.3. Ratify OP-CAT and designate a National Preventive Mechanism for places of detention (Maldives);

A - 86.4. As a high priority, ratify OP-CAT and establish a National Preventative Mechanism (New Zealand);

A - 86.5. Ensure the establishment of an independent supervision mechanism which would have access to all detention centres with a view to facilitating the prompt ratification of OP-CAT (Mexico);

A - 86.6. Ratify OP-CAT without further delay (Denmark);

A - 86.7. Encouraged to accede to the remaining core human rights instruments to which it is yet to become a party, especially CED (Thailand);

A - 86.8. Sign and ratify CED (France);

¹ The total number of recommendations is now 147 as 2 were split.

A - 86.9. Study the possibility of signing and ratifying CED
R - and ICRMW (Argentina);

R - 86.10. Consider acceding to ICRMW (Algeria); ratify ICRMW (Bolivia); complete the ratification process of ICRMW (Turkey); engage in consultations with civil society with a view to possible accession to ICRMW (Philippines); ratify ICRMW (Bosnia and Herzegovina);

A - 86.11. Ratify ILO Convention No. 169 and incorporate it into its national norms (Bolivia);

A - 86.12. Consider ratifying ILO Convention No. 169 (Norway);¹

A - 86.13. Withdraw its reservations to CRC (Hungary);

A - 86.14. Consider withdrawing its reservations to article 4 (a) of ICERD (Republic of Korea);

A - 86.15. Withdraw its reservation on article 4 (a) of ICERD, as this reservation undermines one of the key objectives of this Convention (South Africa);

A - 86.16. Lift its reservations to the following international conventions: ICERD, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights and CRC (Denmark);

A - 86.17. Bring its legislation and practices into line with international obligations (Sweden);

A - 86.18. Take the necessary measures to fully incorporate into Australian legislation its international obligations in the field of human rights (France);

A - 86.19. Incorporate its international obligations under human rights instruments into domestic law (Jordan);

A - 86.20. Continue its efforts in strengthening the mechanisms for the effective incorporation of international human rights obligations and standards into its domestic legislation (Argentina);

A - 86.21. Strengthen its human rights framework by establishing a comprehensive legislative scheme for all human rights (Timor-Leste);

R - 86.22. Consider a comprehensive human rights act as recommended by the National Human Rights Consultative Committee (Canada) incorporate its international human rights obligations into domestic law by elaborating a comprehensive, judicially enforceable Human Rights Act to ensure legislative protection of human rights (Ukraine); fully incorporate its international human rights obligations in domestic law through the adoption of a comprehensive justiciable law on human rights (Russian Federation); implement a federal human rights act to maximize all Australian's legal human rights protection in accordance with Australia's international obligations (Norway);

A - 86.23. Focus on nationwide enforcement of its existing anti-discrimination law, plan adequately for nationwide implementation, especially as it relates to discrimination against indigenous persons (United States);

A - 86.24. Fully implement the Racial Discrimination Act and the revision of federal laws to be compatible with the United Nations Declaration on the Rights of Indigenous Peoples (Norway);

A - 86.25. Consider reinstating, without qualification, the Racial Discrimination Act into the arrangements under the Northern Territory Emergency Response and any subsequent arrangement (Canada);

A - 86.26. Consult with Aboriginal and Torres Strait Islander people, and take into consideration the guidelines proposed by the Australian Human Rights Commission before considering suspension of the Racial Discrimination Act for any future intervention affecting the Aboriginal and Torres Strait Islander people (Slovenia);

A - 86.27. Facilitate the provision of sufficient funding and staffing for the Human Rights Commission and different commissioners, including the recently appointed Commissioner against racial discrimination (Bolivia);

A - 86.28. Establish a National Children's Commissioner to monitor compliance with CRC (New Zealand);

A - 86.29. Consider establishing an independent commissioner for child rights (Poland);

A - 86.30. Continue measures for the adoption of the new National Action Plan on Human Rights (Azerbaijan);

A - 86.31. Adopt a rights-based approach to climate change policy at home and abroad, including by reducing greenhouse gas emissions to safe levels that are consistent with the full enjoyment of human rights (Maldives);

A - 86.32. Develop a comprehensive poverty reduction and social inclusion strategy, which would integrate economic, social and cultural rights (Ghana);

A - 86.33. In line with the Committee on Economic, Social and Cultural Rights recommendation, develop a comprehensive poverty reduction and social inclusion strategy, which should integrate economic, social and cultural rights (Pakistan);

A - 86.34. Implement the observations of the Human Rights Committee by adopting the necessary legislation to ensure that no one is extradited to a State where they would be in danger of the death penalty (France);

A - 86.35. Follow-up on the implementation of recommendations of human rights mechanisms (Austria);

A - 86.36. Consider implementing the recommendations of human rights treaty bodies and special procedures concerning indigenous people (Jordan);

A - 86.37. Implement the recommendations made by the United Nations Special Rapporteur on the rights of indigenous people after his visit in 2009 (Norway);

A - 86.38. Consider implementing the recommendations of UNHCR, human rights treaty bodies and special procedures with respect to asylumseekers and irregular immigrants especially children (Jordan);

A - 86.39. Comply with the recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women concerning the sterilization of women and girls with disabilities (Denmark); enact national legislation prohibiting the use of non-therapeutic sterilization of children, regardless of whether they have a disability, and of adults with disability without their informed and free consent (United Kingdom); repeal all legal provisions allowing sterilization of persons with disabilities without their consent and for non-therapeutic reasons (Belgium); abolish non-therapeutic sterilization of women and girls with disabilities (Germany);

A - 86.40. Continue its laudable measures to address the plight of persons with disabilities, in particular through pursuance of the draft National Disability Strategy, and share its experience in this regard (Botswana);

A - 86.41. Complete as soon as possible a general framework of measures to ensure equality of chances for people with disabilities (Republic of Moldova);

A - 86.42. Ensure that its efforts to harmonize and consolidate Commonwealth anti-discrimination laws address all prohibited grounds of discrimination and promote substantive equality (United Kingdom);

A - 86.43. Enact comprehensive equality legislation at the federal level (Pakistan); grant comprehensive protection to rights of equality and nondiscrimination in its federal law (India);

A - 86.44. Enact comprehensive legislation which prohibits discrimination on all grounds to ensure the full enjoyment of all human rights by every member of society (South Africa);

A - 86.45. Continue its efforts to harmonize and consolidate its domestic legislation against all forms of discrimination on the basis of international standards (Argentina);

A - 86.46. Strengthen the federal legislation to combat discrimination and ensure an effective implementation with a view to a better protection of the rights of vulnerable persons, in particular children, persons in detention and persons with disabilities (Morocco);

A - 86.47. Take firm measures to end discrimination and violence against women, children and people from vulnerable groups so as to enhance a better respect for their dignity and human rights (Viet Nam);

A - 86.48. Put an end, in practice and in law, to systematic discrimination on the basis of race in particular against women of certain vulnerable groups (Islamic Republic of Iran);

A - 86.49. Further ensure that everyone is entitled to equal respect and to a fair participation with full enjoyment of equal rights and opportunities in economic, political, social and cultural developments as incorporated in the laws and plans of action (Cambodia);

A - 86.50. Take appropriate measures to reduce the development gap and social disparities so as to enhance the full enjoyment of all human rights for all Australian people, especially in the areas of economic, cultural and social rights (Viet Nam);

A - 86.51. Intensify its efforts to further combat gender discrimination (Norway);

A - 86.52. Strengthen the Sex Discrimination Act as indicated in the national report, and consider the adoption of temporary special measures, as recommended by the Committee on the Elimination of All Forms of Discrimination against Women (Israel);

A - 86.53. Develop and implement policies to ensure gender equality throughout society and strengthen the promotion and protection of the rights of women, especially women from indigenous communities (South Africa);

A - 86.54. Persist in its efforts in order to redress remaining gender inequalities, in particular with regard to the employment of women in the private sector (Japan);

A - 86.55. Adopt targets of 40 per cent representation of women on public and private sector boards (Norway);

A - 86.56. Remain steadfast in pursuing its policies towards gender equality, in particular through its Fair Work Act (Botswana);

A - 86.57. Further strengthen its efforts to promote equality, non-discrimination and tolerance through the monitoring of racially motivated violence and inclusion of human rights education in school and university curriculum (Thailand);

A - 86.58. Step up measures, such as human rights education in schools, so as to promote a more tolerant and inclusive society (Japan);

A - 86.59. Strengthen further the measures to combat discrimination against minority communities, including Muslim communities in Australia (Algeria);

A - 86.60. Take measures towards ensuring the equal and the full enjoyment of the basic rights of all its citizens including persons belonging to indigenous communities, and to effectively prevent and, if necessary, combat racial discrimination (Sweden);

A - 86.61. Continue its efforts to promote multicultural and racial tolerance through initiatives such as the Australian Multicultural Advisory Council and the Diversity and Social Cohesion Programme (Singapore);

A - 86.62. Take more effective measures to address discrimination and other problems related to racial and ethnic relations including by developing and implementing appropriate policy and programmes with a view to improving and strengthening relations between races and cultures (Malaysia);

A - 86.63. Strengthen its measures and continue its efforts in promoting multiculturalism and social inclusion (Morocco);

A - 86.64. Continue their great efforts to put an end to all practices likely to interfere with the peaceful coexistence among the different groups of the multi-ethnic society of Australia (Yemen);

A - 86.65. Implement additional measures to combat discrimination, defamation and violence (including cyber racism) against the Arab population and Australian Muslims, against recently arrived migrants (primarily from Africa) and also foreign students (essentially coming from India) (Russian Federation);

A - 86.66. Continue to implement the harmonization and consolidation of antidiscriminatory laws and to move forward with the promulgation of laws protecting persons against discrimination on the grounds of sexual orientation or gender (Colombia);

A - 86.67. Introduce a national legal provision prohibiting discrimination and harassment based on sexual orientation and gender (Switzerland);

A - 86.68. As a high priority, introduce federal law which prohibits discrimination on the grounds of sexual orientation (New Zealand);

A - 86.69. Take measures to ensure consistency and equality across individual States in recognizing same-sex relationships (United Kingdom);

R - 86.70. Amend the Marriage Act to allow same-sex partners to marry and to recognize same-sex marriages from overseas (Norway);

A - 86.71. Enact legislation to ensure the humane treatment of prisoners (Hungary);

A - 86.72. Strengthen efforts to combat family violence against women and children with a particular focus on indigenous communities (United States);

A - 86.73. Adopt special legislation to prevent and combat violence against women and girls and to prosecute and punish the perpetrators (Islamic Republic of Iran);

A - 86.74. Adapt its legislation to ensure greater security for women and children (Switzerland);

R - 85.75. Introduce a full prohibition of corporal punishment within the family in all states and territories (Russian Federation);

A - 86.76. Speed up the process for the adoption of the National Plan to Reduce Violence against Women and their Children (Azerbaijan);

A - 86.77. Take steps, in partnership with State, Territory and Local governments, to further advance and accelerate implementation of the National Action Plan to Reduce Violence against Women and Their Children, so as to effectively address prevalence of violence against these vulnerable groups (Canada);

A - 86.78. Implement a national action plan to reduce violence against women and children (Switzerland);

A - 86.79. Implement immediately the National Plan to Reduce Violence against Women and their Children (Norway);

A - 86.80. Implement the National Action Plan to reduce violence against women and their children, including through an independent supervision mechanism that involves civil society organizations and take into account the specific situation of indigenous women and migrants (Mexico);

A - 86.81. Effectively implement the national policy to reduce violence against women (Philippines);

A - 86.82. Ensure that all victims of violence have access to counselling and assistance with recovery (Hungary);

A - 86.83. Continue to work and coordinate with countries in the region to strengthen the regional framework to deal with irregular migration and human trafficking in a comprehensive and sustainable manner, bearing in mind international human rights and humanitarian principles (Thailand);

A - 86.84. Strengthen further its commitment to the Bali process as the principal mechanism in the region which deals with people smuggling and trafficking (Indonesia);

A - 86.85. Consider using the OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking as a guide in its antitrafficking measures (Philippines);

A - 86.86. Increase its efforts to fight human trafficking (Azerbaijan);

A - 86.87. Increase efforts to criminally prosecute trafficking offenders, including employers and labour recruiters who subject migrant workers to debt bondage and involuntary servitude (United States);

A - 86.88. Take effective legal measures to prohibit the use of excessive force

R - and "Tasers"

A - by the police against various groups of peoples (Islamic Republic of Iran);

A - 86.89. Further improve the administration of justice and the rule of law including by setting up appropriate mechanisms in order to ensure adequate and independent investigation of police use of force, police misconduct and police-related deaths (Malaysia);

A - 86.90. Implement specific steps to combat the high level of deaths of indigenous persons in places of detention (Russian Federation);

A - 86.91. Introduce a requirement that all deaths in custody be reviewed and investigated by independent bodies tasked with considering prevention of deaths and implement the recommendations of Coronial and other investigations and enquiries (New Zealand);

A - 86.92. Increase the provision of legal advice to indigenous peoples with due translation services reaching especially indigenous women of the most remote communities (Bolivia);

A - 86.93. Implement measures in order to address the factors leading to an overrepresentation of Aboriginal and Torres Strait Islander communities in the prison population (Austria);

A - 86.94. Examine possibilities to increase the use of non-custodial measures (Austria);

A - 86.95. Enhance the contacts and communication between Aboriginal and Torres Strait Islander communities and representatives of the law enforcement officials and enhance the training of those officials with respect to cultural specificities of the above communities (Austria);

A - 86.96. Improve the human rights elements of its training for law enforcement personnel (United States);

R - 86.97. Establish a National Compensation Tribunal, as recommended in the "Bringing Them Home" report, to provide compensation to Aboriginal and Torres Strait Islander people that are negatively affected by the assimilation policy, particularly as it applies to children unfairly removed from their families and the parents of those children (Slovenia);

A - 86.98. Take regular measures to prevent hate speech, including prompt legal action against those who incite discrimination or violence motivated by racial, ethnic or religious reasons (Brazil);

A - 86.99. Develop a national pay strategy to monitor pay gaps mechanisms and establish a comprehensive childcare policy, as recommended by the Committee on the Elimination of All Forms of Discrimination against Women (Israel);

A - 86.100. Remove, in law and in practice, restrictions on the rights of workers to strike, as recommended by the Committee on Economic, Social and Cultural Rights (Israel);

A - 86.101. Step up efforts to ensure that people living in the remote and rural areas, in particular the indigenous peoples, receive adequate support services relating to accommodation and all aspects of health and education (Malaysia);

A - 86.102. Reform the Native Title Act 1993, amending strict requirements which can prevent the Aboriginal and Torres Strait Islander peoples from exercising the right to access and control their traditional lands and take part in cultural life (United Kingdom);

A - 86.103. Institute a formal reconciliation process leading to an agreement with Aboriginal and Torres Strait Islander people (Slovenia);

A - 86.104. Continue in particular the process of constitutional reform in order to better recognize the rights of indigenous peoples (France);

A - 86.105. Continue to implement its efforts to attain the constitutional recognition of indigenous peoples (Colombia);

A - 86.106. Revise its Constitution, legislation, public policies and programmes for the full implementation of the United Nations Declaration of the Rights of Indigenous Peoples (Bolivia); ensure effective implementation of the Declaration on the Rights of Indigenous People, including in the Northern Territory, and provide adequate support to the National Congress of Australia's First Peoples to enable it to address the needs of indigenous people (Ghana); develop a detailed framework to implement and raise awareness about the Declaration in consultation with indigenous peoples (Hungary); take further steps to ensure the implementation of the Declaration on the Rights of Indigenous Peoples (Denmark);

A - 86.107. Launch a constitutional reform process to better recognize and protect the rights of the Aboriginals and Torres Strait Islanders which would include a framework covering the principles and objectives of the United Nations Declaration on the Rights of Indigenous Peoples and would take into account the opinions and contributions of indigenous peoples (Guatemala);

A - 86.108. Include in its national norms recognition and adequate protection of the culture, values and spiritual and religious practices of indigenous peoples (Bolivia);

A - 86.109. Promote the inclusion and participation of indigenous peoples and Torres Strait Islanders in any process or decision-making that may affect their interests (Bolivia);

A - 86.110. Strengthen efforts and take effective measures with the aim of ensuring enjoyment of all rights for indigenous people, including participation in decision-making bodies at all levels (Bosnia and Herzegovina);

A - 86.111. Ensure that its legislation allows for processes of consultations in all actions affecting indigenous peoples (Mexico);

A - 86.112. Continue to engage with the Aboriginal population and Torres Strait Islanders and ensure the equal protection of their fundamental rights (Indonesia);

A - 86.113. Increase the participation of the Aboriginal and Torres Strait Islander communities in the process of closing the gap in opportunities and life outcomes (Austria);

A - 86.114. Continue the implementation of policies aimed at improving the living standards of indigenous peoples and take all the necessary measures to eradicate discrimination against them (France);

- A - 86.115. Continue its efforts to narrow the gap in opportunities and life outcomes between indigenous and non-indigenous Australians (Singapore);
- A - 86.116. Intensify its on-going efforts to close the gap in opportunities and life outcomes between Indigenous and non-Indigenous peoples, especially in the areas of housing, land title, health care, education and employment (Thailand);
- A - 86.117. Continue addressing effectively the socio-economic inequalities faced by indigenous people (Jordan);
- A - 86.118. Carry out, in consultation with the communities concerned, a comprehensive assessment of the effectiveness of actions and strategies aimed at improving socio-economic conditions of indigenous peoples and if necessary correct these actions (Belgium);
- A - 86.119. Take immediate legal measures to remove restrictions against access of indigenous women and children to appropriate health and education services and employment opportunities (Islamic Republic of Iran);
- A - 86.120. Continue efforts to increase the representation of indigenous women in decision-making posts (Morocco);
- A - 86.121. Safeguard the rights of refugees and asylum-seekers (Sweden);
- A - 86.122. Honour all obligations under articles 31 and 33 of the Convention relating to the Status of Refugees and ensure that the rights of all refugees and asylum-seekers are respected, providing them access to Australian refugee law (Slovenia);
- A - 86.123. Ensure the processing of asylum-seekers' claims in accordance with the United Nations Refugee Convention and that they are detained only when strictly necessary (Norway);
- A - 86.124. Cease the practice of refoulement of refugees and asylum-seekers, which puts at risk their lives and their families' lives (Slovenia);
- A - 86.125. Ensure in its domestic law that the principle of non-refoulement is respected when proceeding with the return of asylum-seekers to countries (Ghana);
- R - 86.126. Repeal the provisions of the Migration Act 1958 relating to the mandatory detention (Pakistan); revise the Migration Law of 1958 so that federal initiatives do not penalize foreign migrants in an irregular situation (Guatemala);
- A - 86.127. Review its mandatory detention regime of asylum-seekers, limiting detention to the shortest time reasonably necessary (Ghana);
- A - 86.128. Address the issue of children in immigration detention in a comprehensive manner (Philippines);
- A - 86.129. Ensure that no children are held in detention on the basis of their migratory status and that special protection and assistance is provided to unaccompanied children (Brazil);
- A - 86.130. Take efficient measures to improve the harsh conditions of custody centres in particular for minorities, migrants and asylum-seekers (Islamic Republic of Iran);
- A - 86.131. Consider alternatives to the detention of irregular migrants and asylum-seekers, limit the length of detentions, ensure access to legal and health assistance and uphold its obligations under the Vienna Convention on Consular Relations (Brazil);
- R - 86.132. Do not detain migrants other than in exceptional cases, limit this detention to six months and bring detention conditions into line with international standards in the field of human rights (Switzerland);
- R - 86.133. Ensure all irregular migrants have equal access to and protection under Australian law (Timor-Leste);

A - 86.134. Continue to work and coordinate with countries in the region to strengthen the regional framework to deal with irregular migration and human trafficking in a comprehensive and sustainable manner, bearing in mind international human rights and humanitarian principles (Thailand);

A - 86.135. Protect Official Development Assistance from budgetary cuts in the context of the international crisis and make every effort to bring it to the internationally agreed target of 0.7 per cent of GDP (Algeria);

A - 86.136. Investigate allegations of torture in the context of counter-terrorism measures, give publicity to the findings, bring perpetrators to justice and provide reparation to the victims (Brazil);

A - 86.137. Carry out a review of all 50 newly adopted laws since 2001 on combating terrorism, and of their application in practice so as to check their compliance with Australia's human rights obligations (Russian Federation);

A - 86.138. Review the compatibility of its legislative framework to combat terrorism with its international obligations in the field of human rights and remedy any possible gaps (Belgium);

A - 86.139. Continue to ensure that its legislation and methods to combat terrorism are in accordance with the International Covenant on Civil and Political Rights (Republic of Moldova);

A - 86.140. Ensure, in particular through its Independent National Security Legislation Monitor, that its national legislation is in keeping with its international obligations in the field of human rights (Switzerland);

A - 86.141. Continue to share its experiences for the promotion of human rights in the region and the world (Lao People's Democratic Republic);

A - 86.142. Actively continue to implement the best practice and policy for the promotion and protection of the rights and living conditions, and to narrow the gap in living standards in favour of the vulnerable groups in the country (Lao People's Democratic Republic);

A - 86.143. Continue the consultation with civil society in a follow-up to its universal periodic review (Poland);

A - 86.144. Continue to promote and protect human rights internationally through bilateral and multilateral dialogue to enhance human right capacity regionally across the Asia-Pacific and globally through the AusAID programme (Cambodia);

A - 86.145. Continue its efforts for the promotion and protection of human rights in the world and in their country (Chad).

Notes

1 The recommendation as read out during the interactive dialogue: "Ratifies the ILO Convention 169".

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