

AUSTRALIA: FALLING SHORT OF COMMITMENTS

AMNESTY INTERNATIONAL:
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SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Australia (January 2026). In it, Amnesty International evaluates the implementation of recommendations made to Australia in its previous review, with a focus on the rights of Aboriginal and Torres Strait Islander Peoples—particularly children—as well as refugees, people seeking asylum and freedom of assembly.

It highlights the urgent need for a Human Rights Act to provide comprehensive protection for everyone in Australia. With regard to the human rights situation on the ground, Amnesty International raises serious concerns about the low age of criminal responsibility, the use of cruel practices in youth detention, ongoing offshore detention, the plight of those trapped by the “Fast Track” system, increasing restrictions on protest rights and the approval of fossil fuel projects despite the climate crisis.

The submission concludes with recommendations to the Australian Government that, if adopted, would strengthen human rights protections nationwide.

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FOLLOW UP TO THE PREVIOUS REVIEW

1. Australia accepted 126 of the 344 recommendations in the 2021 Universal Periodic Review and noted 218.
2. Amnesty welcomes some progress since the last review, including permanent residency for refugees who arrived by boat before 2013, negotiating an agreement and facilitating resettlement of refugees in New Zealand, and the permanent establishment of the Community Refugee Integration and Settlement Pilot.¹ A 2022 law also strengthened the independence of the Australian Human Rights Commission.²
3. However, Amnesty International remains concerned with the state of human rights in Australia.
4. Despite supporting recommendations, Australia has not fully implemented the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).³
5. Disproportionate restrictions on peaceful protests have increased despite supporting recommendations to end the violation of freedom of peaceful assembly.⁴
6. The minimum age of criminal responsibility remains below international standards.⁵
7. Australia continues to detain people seeking asylum, including offshore.⁶
8. It has also failed to adopt a national Human Rights Act to incorporate its international obligations into domestic law.⁷

THE NATIONAL HUMAN RIGHTS FRAMEWORK

9. Human rights in Australia are protected through a fragmented patchwork of laws, the Constitution and the common law, with many rights still uncoded.⁸
10. While Australia has ratified seven core international human rights treaties, it has not incorporated them into domestic law through a Human Rights Act.⁹
11. In 2022, the Subcommittee on Prevention of Torture (SPT) suspended its visit to Australia after being denied access to some places of detention in Queensland and New South Wales (NSW).¹⁰
12. Australia missed the 2023 deadline to implement the OPCAT.¹¹ While Queensland later passed laws to allow visits to certain facilities, and despite supporting recommendations to establish National Preventive Mechanism (NPM) bodies, Queensland, NSW, and Victoria have yet to establish NPM bodies¹²

THE HUMAN RIGHTS SITUATION ON THE GROUND

Aboriginal and Torres Strait Islander peoples

13. The Federal Government has not incorporated UNDRIP into law, developed a National Action Plan, or reviewed its laws for compliance, though some states and territories have embedded UNDRIP principles in their Human Rights Acts.¹³
14. Following the *Uluru Statement from the Heart*, most states and territories began treaty talks with First Nations Peoples. Victoria and Queensland referenced UNDRIP in their engagement; Victoria completed its Yoorrook Justice Commission report in June 2025 and started treaty negotiations.¹⁴
15. However, Queensland scrapped its truth telling inquiry¹⁵ and repealed its Path to Treaty Act after the Voice referendum failed.¹⁶ There is no federal Treaty or truth telling process.¹⁷

16. The 2024 Closing the Gap report¹⁸ shows worsening outcomes in four key areas including children in out-of-home care, suicide rates, and adult imprisonment.¹⁹ Of 15 socio-economic targets, only five are on track.
17. Notably, incarceration rates for Aboriginal and Torres Strait Islander adults were 15.2 times higher than for non-Indigenous adults.²⁰
18. Australians voted against a proposed constitutional amendment to establish the Aboriginal and Torres Strait Islander Voice, a body that would have advised Parliament on matters affecting First Nations Peoples.²¹
19. First Nations people remain severely over-imprisoned.²² As of June 2025, 582 First Nations People have died in custody since the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) — with no one held accountable.²³
20. A 2023 UN report raised alarm over the high number of people on remand, noting that bail conditions disproportionately affect First Nations Peoples²⁴. It cited over-policing, discrimination, and a lack of needs-based crime prevention strategies.
21. In 2022–23, the Government committed to justice reinvestment and First Nations-led diversion programs. Real-time reporting of Indigenous deaths in custody began in 2023, alongside a new plan to reduce violence against Aboriginal women and children.²⁵
22. Despite these steps, abuses persist. In 2024, Indigenous people made up nearly 25% of all deaths in custody, yet only 3.8% of the population.²⁶ Progress on key reforms remains slow and inadequate.
23. Australia is failing to meet its international obligations on the treatment of children in the criminal legal system. Harsh bail, sentencing, and low age of criminal responsibility laws have increased the overrepresentation of Aboriginal and Torres Strait Islander children.²⁷
24. Amnesty is concerned about detention of children in adult facilities, practices amounting to torture and other ill-treatment, and suspension of legal protections to enable these.²⁸ These practices disproportionately impact vulnerable children.²⁹
25. Australia continues to criminalise and detain children as young as 10, despite repeated calls from UN bodies to raise the minimum age of criminal responsibility to 14. At the previous UPR, Australia did not accept the raise of age recommendations.³⁰
26. Queensland introduced tougher sentences for children under “adult crime, adult time” policies, disproportionately impacting Indigenous children.³¹
27. In 2023, Queensland suspended its Human Rights Act to pass legislation criminalising breach of bail for children³² – an adult offence – leading to increased child arrests.³³
28. In Victoria, the Government removed the safeguard that remand be used only as a last resort for children and introduced new offences to jail children for breaching bail conditions. These are likely to significantly increase child incarceration.³⁴
29. NSW and South Australia are moving to implement similarly “discredited punitive measures”.³⁵ In 2024, the NT enacted bail laws removing presumptions in favour of bail, and reinstating breach of bail as a youth offence.³⁶ In 2025, the NT amended the *Youth Justice Act 2005*, removing the UN Convention of the Rights of the Child (CRC) protection principles.³⁷ This will increase reoffending and have a devastating impact on children.³⁸
30. In Queensland and Western Australia, children are being held in adult prisons, exposing them to harm and increasing their risk of reoffending,³⁹ which breaches Australia’s international obligations.⁴⁰
31. There is continued use of police watch houses to detain children across Australia⁴¹, especially Queensland.⁴²

32. Queensland suspended its Human Rights Act again in August 2023, allowing indefinite detention of children in adult watch houses, while acknowledging the laws breached rights under the CRC and other international instruments.⁴³
33. In 2022, 17 boys from Western Australia's Banksia Hill Youth Detention Centre were moved to the adult Casuarina Prison, where incidents of self-harm were reported.⁴⁴ Similar increases in self-harm occurred at Don Dale Youth Detention Centre in the Northern Territory.⁴⁵
34. An official inspection found Banksia Hill was failing in all areas, endangering detainees' health and safety.⁴⁶ A 16-year-old Aboriginal boy died following a suicide attempt.⁴⁷
35. In 2024, the Northern Territory reintroduced spit hoods (a restraint device intended to prevent a person from spitting or biting) for children - a practice condemned by the Royal Commission and human rights experts as amounting to torture or other cruel, inhuman or degrading treatment.⁴⁸
36. Across Australia, especially in Queensland⁴⁹, children have faced prolonged solitary confinement.⁵⁰ Reports reveal ongoing use of police cages in transfers.⁵¹ These practices are degrading for children and cause severe physical and psychological harm and violate Australia's obligations under the Convention Against Torture and other treaties.⁵²
37. In 2024, in Western Australia, three Aboriginal boys died in the youth detention system.⁵³
38. In 2023, allegations of sexual and physical abuse against children at Ashley Youth Detention Centre in Tasmania emerged during an official investigation⁵⁴, prompting calls for the centre's immediate closure, which remains open.⁵⁵

Refugees, asylum seekers, and migrants

39. Despite widespread condemnation and evidence of harm, Australia continues its unlawful offshore processing policy including transferring people seeking asylum to Nauru⁵⁶ and indefinite immigration detention onshore.
40. In November 2023, the High Court ruled indefinite detention unlawful where removal is not possible, resulting in the release of at least 148 people.⁵⁷ The Government responded with emergency laws imposing curfews and tracking devices on those released.⁵⁸
41. However, subsequent High Court decisions held that prolonged or indefinite detention is lawful where it is for a legitimate purpose.⁵⁹
42. In late 2024, new migration laws further restricted refugee rights, including re-detention for those posing risks of serious offences.⁶⁰
43. In February 2025, the Government announced plans to remove three people to Nauru under the new deal, raising serious human rights concerns.⁶¹
44. Australia's offshore 'processing' and detention policy is a clear violation of international law.⁶² At its third UPR, many countries called on Australia to cease offshore 'processing' and mandatory detention of refugees.⁶³ Others called for Australia's border and detention policies to comply with international human rights.⁶⁴
45. By February 2025, 93 refugees and people seeking asylum were in Nauru, many experiencing serious health conditions.⁶⁵ Advocates are calling for the reintroduction of a law enabling medical evacuation.⁶⁶
46. Although offshore processing in Papua New Guinea (PNG) ended in 2021, over 30 men still remain after 11 years, barred from coming to Australia. They suffer mental and physical ill-health and lack of access to basic human rights⁶⁷, while Australia denies responsibility for their welfare.⁶⁸
47. Approximately 7,000 people impacted by the flawed "Fast Track" system⁶⁹ remain in limbo. They have lived for over a decade on 6-monthly Bridging Visas, without access to tertiary education, travel or family reunion, and tenuous work

rights, barred from applying for permanent visas. Due to indefinite temporariness the group has been impacted by suicide.⁷⁰

48. The Government is considering pathways to resolution of status for some people.⁷¹ However, the process is slow and there is no pathway to permanency for the whole group.⁷²
49. Australia continues to discriminate against people seeking asylum based on their mode of arrival.⁷³
50. The migration laws introduced in late 2024⁷⁴ risk refoulement by allowing deportations to third countries not party to the Refugee Convention, with no guarantees of human rights protections or safety from persecution, despite recommendations to the contrary⁷⁵
51. At April 2025, over 1,070 people were in immigration detention in Australia, the average period being 456 days.⁷⁶

Freedom of assembly and association

52. Australia supported recommendations to end violations of the right to freedom of assembly, however, the repression of this right has intensified since the last review.⁷⁷
53. Laws across several jurisdictions disproportionately restrict freedom of expression and assembly,⁷⁸ imposing harsh penalties of up to two years' imprisonment and fines up to AUD 50,000 for peaceful protest.⁷⁹
54. The Roads and Crimes Legislation Amendment Act 2022 in NSW criminalises damage or obstruction to key infrastructure, with penalties up to two years in prison and fines up to AUD 22,000 for protesting without a permit.
55. Hundreds of peaceful climate protesters have been arrested and increasingly sentenced to imprisonment.⁸⁰ Police have sought to prohibit pro-Palestine protests, violating obligations to uphold freedom of expression and assembly.⁸¹
56. Universities have restricted campus protests supporting Palestinians, requiring permits, banning indoor protests, and surveilling students, using evidence in misconduct hearings.⁸²

Climate change

57. The impacts of climate change pose an increasing threat to human rights. The Australian Government has been explicitly and repeatedly warned about the human rights implications of climate change - in particular upon children,⁸³ Pacific Island Nations⁸⁴, and upon First Nations Peoples in Australia.⁸⁵
58. In 2022, the UN Human Rights Committee found that the Australian Government had failed to adequately protect Torres Strait Islander Peoples from the impacts of climate change.⁸⁶
59. On 15 July 2025, the Federal Court dismissed a landmark case that argued the Australian Government breached its duty of care to protect the Torres Strait Islands from climate change.⁸⁷
60. Australia has continued to approve fossil fuel projects, including extending the life of its largest project to 2070.⁸⁸
61. It has fallen short in its obligations under the Paris Agreement to support lower income countries with climate change and addressing loss and damage,⁸⁹ or to protect its own citizens.⁹⁰
62. Australia's 2030 emissions reduction target falls substantially short of the scale of effort required to limit warming to 1.5°C.⁹¹ At the time of writing, Australia is yet to set a 2035 emissions reduction target.

Arms exports and human rights

63. Australia's defence export system remains highly opaque, raising serious concerns about compliance with the Arms Trade Treaty (ATT) and domestic arms control law.⁹²
64. Amnesty International has raised concerns about the possible onward sale of Australian-manufactured weapons, components, and munitions to the Israeli military directly⁹³ or via third countries.⁹⁴
65. Thales Australia, who manufacture TNT for 155mm artillery ammunition shells out of Benalla in Victoria, as well as completed M795 155mm projectiles, likely provide these to the US through approved defence export permits. However, due to Australia's opaque defence export system, this is difficult to confirm. Notwithstanding this need for clarification, a recent \$147.5 million export permit from the US to Israel for 155mm shells was approved in December 2023. Part of this permit was M795 155mm shells, which are the same kind manufactured by Thales in Benalla, meaning that Australian manufactured ammunition/munitions might be being used by the Israeli military forces in Gaza.⁹⁵
66. The presence of Australian-made components in systems which are exported to Israel, including those for F-35 fighter jets used in Israeli airstrikes, also raise concerns regarding Australia's risks of complicity in serious violations of international humanitarian and human rights law.⁹⁶

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the Government of Australia to:

67. Introduce a Human Rights Act, as previously recommended.⁹⁷
68. Develop a National Human Rights Framework, review and amend existing laws for human rights compatibility, and introduce a human rights indicator index and monitoring processes.
69. Ensure Queensland, NSW, and Victoria establish or nominate NPM bodies, as Australia committed to do in the previous review⁹⁸, and sufficiently fund NPM bodies.
70. Ratify all human rights treaties and Optional Protocols to which Australian isn't a party, without reservations, and withdraw all existing reservations and declarations.⁹⁹
71. Ensure all governments fully implement the recommendations of the RCIADIC.
72. Ensure that all deaths in custody are promptly, impartially, thoroughly, effectively and independently investigated and that independent investigative bodies are adequately funded to that purpose.
73. Fund existing and new initiatives to meet Closing the Gap targets, particularly incarceration and suicide rates among First Nations Peoples, violence against First Nations women and children, and over-representation of First Nations children in out-of-home care, as committed to in the previous review.¹⁰⁰
74. Raise the minimum age of criminal responsibility to at least 14 in line with international standards as previously recommended.¹⁰¹
75. Prohibit the use of adult watch houses and adult prisons for children under all circumstances.
76. Abolish the use of practices¹⁰² that amount to torture or cruel, inhuman or degrading treatment of children in all justice settings and ensure all forms of transportation and restraint for children uphold their dignity and safety.
77. Fund Indigenous-led and community-based diversion programs as alternatives to detention, as previously recommended.¹⁰³
78. Strengthen protections under human rights legislation and prevent its suspension in youth justice contexts.

79. End offshore ‘processing’ and detention as previously recommended¹⁰⁴, and allow refugees and asylum seekers sent to Nauru and PNG to settle in Australia.
80. Immediately pass legislation for medical evacuation from offshore places for treatment in Australia.
81. End temporary protection and open pathways to permanency, including giving permanency to those subject to the Fast Track system, and those fleeing war zones on temporary humanitarian concern visas.
82. Repeal laws that disproportionately restrict the rights to freedom of peaceful assembly and association.
83. Ensure that the use of less lethal weapons in the policing of public assemblies fully complies with international law and standards on the use of force.
84. Immediately halt all new coal and gas projects and make a time-bound commitment to fully phasing out fossil fuel production and export.
85. Increase Australia’s 2030 emissions reduction target to net zero by 2030 in line with the Special Rapporteur on Climate Change’s recent recommendation.¹⁰⁵
86. Accelerate human rights compliant renewable energy, storage, electrification, and energy efficiency with policies and programmes that are equitable, inclusive, and uphold Aboriginal and Torres Strait Islander People’s self-determination.
87. Contribute its fair share of climate finance, especially for adaptation, and contribute to mechanisms to address loss and damage, such as the Fund for Responding to Loss and Damage.¹⁰⁶
88. Develop a robust and fully funded National Adaptation Plan, including increased support for community-led adaptation and resilience building.
89. Support a comprehensive international arms embargo on Israel and Palestinian armed groups, until there are effective mechanisms to ensure that arms will not be used to commit or facilitate serious violations of international human rights and humanitarian law; alleged violations are thoroughly and impartially investigated; and there is an end to impunity for past and present abuses.
90. Suspend all arms export permits to the US and other countries unless legally binding, independently verified end-use assurances are provided guaranteeing that these items will not be re-exported to Israel.¹⁰⁷
91. Adopt a transparent national control system which provides as much up-to-date and publicly-accessible information as possible on the quantity, type, dollar value, final destination, end user and end use of all military and dual use equipment and munitions, including parts.
92. Support a parliamentary inquiry into Australia’s defence exports and their role in possible international law breaches.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Amnesty International recommendations to parties to the UNFCCC on human rights consistent climate action in 2024, 23 October 2024, (Index: IOR 40/8627/2024), <https://www.amnesty.org/en/documents/ior40/8627/2024/en/>

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The state of the world's human rights: Amnesty International Report 2017/18, Nauru, 22 February 2018, (Index: POL 10/6700/2018), <https://www.amnesty.org/en/documents/pol10/6700/2018/en/>

Amnesty International Australia, NSW police using COVID-19 pandemic to restrict human right, 12 April 2021, <https://www.amnesty.org.au/protect-the-right-to-protest-in-nsw/>

Amnesty International Australia Review of the Roads Act and the Crimes Act, 5 June 2024, <https://www.amnesty.org.au/submission-nsw-review-of-the-roads-act-and-the-crimes-actsubmission-nsw-review-of-the-roads-act-and-the-crimes-act/>

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: Cooperation & Follow up with Treaty Bodies			
146.42 Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); Source of Position: A/HRC/47/8/Add.1 - Para.10	Supported	- Cooperation & Follow up with Treaty Bodies	Implemented
Theme: Constitutional & legislative framework			
146.48 Ensure that Australia 's international human rights obligations are enshrined in domestic law (Canada); Source of Position: A/HRC/47/8/Add.1 - Para.14	Supported	- Constitutional & legislative framework - Scope of international obligations	Not implemented
Theme: Equality & non-discrimination			
146.264 Implement the Closing the Gap strategy, while ensuring shared decision-making and genuine partnerships with the Aboriginal and Torres Strait Islander peoples (United Kingdom of Great Britain and Northern Ireland); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Legal & institutional reform - Cooperation & consultation with civil society SDGs: - 10 - REDUCED INEQUALITIES - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Indigenous peoples	Not implemented
146.265 Continue ongoing efforts to close the gaps in opportunities between indigenous and non-indigenous Australians (Italy); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Economic, social & cultural rights - general measures of implementation SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Indigenous peoples	Not implemented
146.266 Pursue efforts undertaken within the framework of the Closing the Gap strategy and implement other programmes focused on the respect, protection and fulfilment of the rights of indigenous peoples, in	Supported	- Equality & non-discrimination - Economic, social & cultural rights - general measures of implementation - Cooperation & consultation with civil society SDGs: - 10 - REDUCED INEQUALITIES	Not implemented

consultation with civil society (Luxembourg); Source of Position: A/HRC/47/8/Add.1 - Para.19		- 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Indigenous peoples	
146.267 Undertake further efforts aimed at closing the gap in the socioeconomic situation between the Aboriginal and Torres Strait Islanders and non-indigenous Australians (Poland); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Economic, social & cultural rights - general measures of implementation - Right to an adequate standard of living SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Indigenous peoples	Not implemented
146.268 Continue to improve the situation of indigenous peoples and reduce their social gaps with the rest of population (Estonia); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Economic, social & cultural rights - general measures of implementation SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Indigenous peoples	Not implemented
146.269 Continue to work towards narrowing the gap in life outcomes between indigenous and non-indigenous Australians, with a special focus on better access to health, education and employment opportunities (Republic of Korea); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Labour rights and right to work - Right to health - Right to education SDGs: - 3 - GOOD HEALTH AND WELL-BEING - 4 - QUALITY EDUCATION - 8 - DECENT WORK AND ECONOMIC GROWTH - 10 - REDUCED INEQUALITIES Affected persons: - Indigenous peoples	Not implemented
146.270 Strengthen its efforts, in partnership and consultation with the communities concerned, to reduce inequalities faced by indigenous Australians in key areas, including access to health care, education and employment (Singapore); Source of Position: A/HRC/47/8/Add.1 - Para.19	Supported	- Equality & non-discrimination - Labour rights and right to work - Right to health - Right to education SDGs: - 3 - GOOD HEALTH AND WELL-BEING - 8 - DECENT WORK AND ECONOMIC GROWTH - 10 - REDUCED INEQUALITIES - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS	Not implemented

		Affected persons: - Indigenous peoples	
Theme: Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment)			
146.317 Ensure that refugee procedures are compatible with international standards, guaranteeing the principle of non-refoulement and prioritizing family reunification (Mexico); Source of Position: A/HRC/47/8/Add.1 - Para.51	Supported	- Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) - Rights related to marriage & family Affected persons: - Refugees & asylum seekers	Not implemented
146.318 Take the necessary measures to ensure that the principle of non-refoulement is incorporated into legislation and that all asylum seekers, regardless of how they arrived in the country, have access to efficient refugee status determination procedures and determination of non-return (Argentina); Source of Position: A/HRC/47/8/Add.1 - Para.51	Supported	- Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) - Constitutional & legislative framework SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers	Not implemented
Theme: National Preventive Mechanism (NPM)			
146.36 Ratify the ILO Protocol to the Forced Labour Convention, 1930 (No. 29) (United Kingdom of Great Britain and Northern Ireland); Source of Position: A/HRC/47/8/Add.1 - Para.7	Supported	- Ratification of & accession to international instruments - Labour rights and right to work - Human trafficking & contemporary forms of slavery SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Vulnerable persons/groups Not implemented	Not implemented
146.138 Expedite the process of the creation of the national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture (Ukraine); Source of Position: A/HRC/47/8/Add.1 - Para.58	Supported	- National Preventive Mechanism (NPM) - Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) - Conditions of detention SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Persons deprived of their liberty & detainees	Partially implemented

146.139 Strengthen implementation of the Optional Protocol to the Convention against Torture through the establishment of national preventive mechanisms (Philippines); Source of Position: A/HRC/47/8/Add.1 - Para.58	Supported	<ul style="list-style-type: none"> - National Preventive Mechanism (NPM) - Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) - Conditions of detention SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Persons deprived of their liberty & detainees 	Partially implemented
Theme: Right to peaceful assembly			
146.181 Put an end to the violation of freedom of peaceful assembly and the excessive use of force by law enforcement officials (Bolivarian Republic of Venezuela); Source of Position: A/HRC/47/8/Add.1 - Para.54, 58	Supported	<ul style="list-style-type: none"> - Right to peaceful assembly SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Human rights defenders & activists - Law enforcement / police & prison officials 	Not implemented
Theme: Ratification of & accession to international instruments			
146.1 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Uzbekistan); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented
146.2 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Togo); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented

146.3 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented
146.4 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Japan); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented
146.5 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Senegal); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented
146.6 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Costa Rica); Source of Position:	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons 	Not implemented

A/HRC/47/8/ Add.1 - Para.7			
146.8 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Ukraine); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Children: definition; general principles; protection - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons - Children 	Not implemented
146.9 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Children: definition; general principles; protection - Enforced disappearances Affected persons: <ul style="list-style-type: none"> - Disappeared persons - Children 	Not implemented
146.10 Ratify the Convention on Migrant Workers (Sri Lanka); Source of Position:	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented

A/HRC/47/8/ Add.1 - Para.7			
146.11 Ratify the Convention on Migrant Workers (Egypt); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.12 Ratify the Convention on Migrant Workers (Senegal); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.13 Ratify the Convention on Migrant Workers (Costa Rica); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.14 Ratify the Convention on Migrant Workers (Chile); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.15 Ratify the Convention on Migrant Workers (Bolivarian Republic of Venezuela); Source of Position:	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented

A/HRC/47/8/ Add.1 - Para.7			
146.16 Proceed towards the ratification of the Convention on Migrant Workers (Togo); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.17 Become a party to the Convention on Migrant Workers (Turkey); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.18 Undertake concrete actions towards the ratification of the Convention on Migrant Workers (El Salvador); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.19 Sign and ratify the Convention on Migrant Workers (Honduras); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Labour rights and right to work SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Migrants 	Not implemented
146.20 Consider	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments 	Not implemented

ratifying the Convention on Migrant Workers (Algeria); Source of Position: A/HRC/47/8/Add.1 - Para.7		- Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Migrants	
146.21 Consider the ratification of the Convention on Migrant Workers (Morocco); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Migrants	Not implemented
146.22 Ratify key international human rights instruments, such as the Convention on Migrant Workers (Philippines); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Migrants	Not implemented
146.23 Proceed towards the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Togo); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Economic, social & cultural rights - general measures of implementation SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Persons living in poverty - Vulnerable persons/groups	Not implemented
146.24 Ratify the Optional Protocol to the	Noted	- Ratification of & accession to international instruments	Not implemented

International Covenant on Economic, Social and Cultural Rights (Cyprus); Source of Position: A/HRC/47/8/Add.1 - Para.7		<ul style="list-style-type: none"> - Economic, social & cultural rights - general measures of implementation SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Persons living in poverty - Vulnerable persons/groups 	
146.25 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Honduras); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Economic, social & cultural rights - general measures of implementation SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Persons living in poverty - Vulnerable persons/groups 	Not implemented
146.26 Accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Cyprus); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Children: definition; general principles; protection SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children 	Not implemented
146.27 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (El Salvador); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Economic, social & cultural rights - general measures of implementation SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Persons living in poverty - Vulnerable persons/groups 	Not implemented

146.28 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (El Salvador); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Children: definition; general principles; protection SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children 	Not implemented
146.29 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Albania); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Economic, social & cultural rights - general measures of implementation - Children: definition; general principles; protection SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children - Vulnerable persons/groups 	Not implemented
146.30 Ratify the remaining human rights treaties, including those which facilitate complaints under the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights (North Macedonia);	Noted	<ul style="list-style-type: none"> - Ratification of & accession to international instruments - Economic, social & cultural rights - general measures of implementation - Children: definition; general principles; protection SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children 	Not implemented

Source of Position: A/HRC/47/8/ Add.1 - Para.7		- Persons living in poverty - Vulnerable persons/groups	
146.31 Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO) (Costa Rica); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	- Ratification of & accession to international instruments SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Indigenous peoples	Not implemented
146.32 Consider ratifying the Convention on Migrant Workers and the ILO Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Convention No. 169 (Ecuador); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Migrants	Not implemented
146.33 Ratify ILO Convention No. 169 (Chile); Source of Position:	Noted	- Ratification of & accession to international instruments SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Indigenous peoples	Not implemented

A/HRC/47/8/ Add.1 - Para.7		- Migrants	
146.34 Ratify ILO Convention No. 169 and the Domestic Workers Convention, 2011 (No. 189) (Bolivarian Republic of Venezuela); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Vulnerable persons/groups	Not implemented
146.35 Ratify ILO Convention No. 169 (Spain); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	- Ratification of & accession to international instruments SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Indigenous peoples - Migrants - Vulnerable persons/groups	Not implemented
146.37 Ratify ILO Convention No. 169 and the Convention on Migrant Workers to advance Sustainable Development Goals 5.4, 8, 10 and 16 (Paraguay); Source of Position: A/HRC/47/8/ Add.1 - Para.7	Noted	- Ratification of & accession to international instruments - Labour rights and right to work SDGs: - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: - Indigenous peoples - Migrants - Vulnerable persons/groups	Not implemented
Theme: Constitutional & legislative framework			
146.49 Consider adopting a human rights act with a clause on precedence	Noted	- Constitutional & legislative framework - Legal & institutional reform Affected persons: - Human rights defenders & activists	Not implemented

over all other legislation (Ecuador); Source of Position: A/HRC/47/8/ Add.1 - Para.14			
Theme: Equality & non-discrimination			
146.325 End mandatory detention of refugees and prohibit offshore processing of asylum seekers (Islamic Republic of Iran); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	<ul style="list-style-type: none"> - Equality & non-discrimination - Conditions of detention SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers - Persons deprived of their liberty & detainees 	Not implemented
Theme: Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment)			
146.315 Ensure effective refugee status determination procedures and the principle of non-refoulement, and put an end to the policy for processing asylum applications offshore (Costa Rica); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	<ul style="list-style-type: none"> - Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) - Right to life Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers 	Not implemented
146.316 Ensure that the non-refoulement	Supported	<ul style="list-style-type: none"> - Right to life 	Not implemented

principle is secured in law and adhered to in practice, and that all asylum seekers, regardless of their mode of arrival, have access to efficient refugee status determination procedures (Afghanistan); Source of Position: A/HRC/47/8/Add.1 - Para.51		- Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) Affected persons: - Refugees & asylum seeker	
Theme: Conditions of detention			
146.328 Halt the offshore detention of refugees or asylum seekers arriving by sea (Luxembourg); Source of Position: A/HRC/47/8/Add.1 - Para.51	Noted	- Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers	Not implemented
146.330 Continue to ensure the security, living conditions and rights of migrants, refugees and asylum seekers, regardless of how they entered the country (Peru); Source of Position: A/HRC/47/8/	Supported	- Liberty & security of the person - Migrants SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Not implemented

Add.1 - Para.51			
146.332 Take concrete steps to improve its treatment of asylum seekers, refugees, and migrants, including reducing the detention period and improving detention conditions (Republic of Korea); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	<ul style="list-style-type: none"> - Conditions of detention - Migrants SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers - Migrants - Persons deprived of their liberty & detainees 	Not implemented
146.336 Review the policy about offshore processing of asylum claims, as previously recommended (Brazil); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	<ul style="list-style-type: none"> - Conditions of detention SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers 	Not implemented
146.340 Ensure that asylum seekers' claims are processed in accordance with the Convention relating to the Status of Refugees, and that detention only occurs when necessary and justified, for a	Noted	<ul style="list-style-type: none"> - Conditions of detention - Scope of international obligations SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers - Persons deprived of their liberty & detainees 	Not implemented

<p>minimum period of time, and is subject to timely judicial oversight (Norway);</p> <p>Source of Position: A/HRC/47/8/Add.1 - Para.51</p>			
Theme: Scope of international obligations			
<p>146.335</p> <p>Ensure that asylum seekers have access to a refugee status determination procedure in line with international law (Brazil);</p> <p>Source of Position: A/HRC/47/8/Add.1 - Para.51</p>	Noted	<p>- Scope of international obligations</p> <p>SDGs:</p> <p>- 10 - REDUCED INEQUALITIES</p> <p>Affected persons:</p> <p>- Refugees & asylum seekers</p>	Not implemented
<p>146.337</p> <p>Strengthen asylum processes and border management policies to ensure that they fully comply with Australia's international obligations, including the principle of non-refoulement (Fiji);</p> <p>Source of Position: A/HRC/47/8/Add.1 - Para.51</p>	Noted	<p>- Scope of international obligations</p> <p>- Legal & institutional reform</p> <p>SDGs:</p> <p>- 10 - REDUCED INEQUALITIES</p> <p>Affected persons:</p> <p>- Refugees & asylum seekers</p>	Not implemented
Theme: Reservations			

146.40 Withdraw reservations to the Convention on the Rights of the Child, ratify the Optional Protocol thereto on a communications procedure, and raise the age of criminal responsibility to at least 14 years (Italy); Source of Position: A/HRC/47/8/Add.1 - Para.7	Noted	<ul style="list-style-type: none"> - Reservations - Children: juvenile justice SDGs: <ul style="list-style-type: none"> - 8 - DECENT WORK AND ECONOMIC GROWTH Affected persons: <ul style="list-style-type: none"> - Children 	Not yet implemented
Theme: Right to participate in public affairs & right to vote			
146.259 Consider establishing an Aboriginal and Torres Strait Islander elected representative voice to Parliament (Slovakia); Source of Position: A/HRC/47/8/Add.1 - Para.19	Noted	<ul style="list-style-type: none"> - Right to participate in public affairs & right to vote SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Indigenous peoples 	Partially implemented
Theme: Children: juvenile justice			
146.141 Consider raising the minimum age of criminal responsibility to at least 14 years (Slovakia); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Constitutional & legislative framework SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children 	Not implemented

<p>146.142 Amend Australia ' s legislation in order to increase the minimum age of criminal responsibility to at least 14 years and withdraw the reservations to article 37 (c) of the Convention on the Rights of the Child regarding the separation of children, which requires detained children to be separated from adults (Spain);</p> <p>Source of Position: A/HRC/47/8/Add.1 - Para.38</p>	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Reservations - Constitutional & legislative framework - Conditions of detention <p>SDGs:</p> <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS <p>Affected persons:</p> <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
<p>146.144 Raise the age of criminal responsibility to at least 14 years, in line with the international standard and as recommended by the Committee on the Rights of the Child (Sweden);</p> <p>Source of Position: A/HRC/47/8/Add.1 - Para.38</p>	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Cooperation & Follow up with Treaty Bodies - Constitutional & legislative framework <p>SDGs:</p> <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS <p>Affected persons:</p> <ul style="list-style-type: none"> - Children in vulnerable situations (abused, living on the street, institutionalized, indigenous, migrant children etc.) - Children 	Not implemented

146.145 Raise the minimum age of detention for minors to 14 years or above in conformity with the recommendation of the Committee on the Rights of the Child (Switzerland); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Constitutional & legislative framework - Conditions of detention SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
146.148 Raise the current minimum age of criminal responsibility from 10 to 14 years, in line with international standards on the matter, and promote non-custodial measures (Chile); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Administration of justice & fair trial - Constitutional & legislative framework SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
146.150 Raise the minimum age of criminal responsibility to at least 14 years (Cyprus); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Constitutional & legislative framework SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
146.151 Raise the minimum age of criminal	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Administration of justice & fair trial 	Not implemented

responsibility to at least 14 years and prohibit the use of isolation and force as punishment in juvenile justice facilities (Zambia); Source of Position: A/HRC/47/8/Add.1 - Para.38		<ul style="list-style-type: none"> - Children: definition; general principles; protection - Constitutional & legislative framework - Conditions of detention SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	
146.155 Bring the child justice system fully into line with international standards, including by raising the minimum age of criminal liability to 14 years (Finland); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Children: definition; general principles; protection - Scope of international obligations SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
146.157 Raise the minimum age of criminal responsibility to at least 14 years (Germany); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Constitutional & legislative framework SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
146.158 Consider raising the age of criminal responsibility	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Legal & institutional reform SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons:	Not implemented

to 14 years of age (Greece); Source of Position: A/HRC/47/8/ Add.1 - Para.38		- Children - Persons deprived of their liberty & detainees	
146.160 Enact laws that raise the minimum age of criminal responsibility to 14 years (Lithuania); Source of Position: A/HRC/47/8/ Add.1 - Para.38	Noted	- Children: juvenile justice - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented
146.163 Raise the minimum age of criminal responsibility nationwide to at least 14 years (Malta); Source of Position: A/HRC/47/8/ Add.1 - Para.38	Noted	- Children: juvenile justice - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented
146.164 Raise the age of criminal responsibility, and harmonize the juvenile justice system with the Convention on the Rights of the Child (Mexico); Source of Position: A/HRC/47/8/ Add.1 - Para.38	Noted	- Children: juvenile justice - Administration of justice & fair trial - Constitutional & legislative framework - Scope of international obligations SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented
146.165 Raise the minimum age of criminal responsibility of children to	Noted	- Children: juvenile justice - Constitutional & legislative framework - Scope of international obligations	Not implemented

14 years, in accordance with international standards (North Macedonia); Source of Position: A/HRC/47/8/Add.1 - Para.38		SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	
146.166 Adopt recommendations by the Committee on the Rights of the Child to raise the minimum age of criminal responsibility to at least 14 years of age (Norway); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	- Children: juvenile justice - Cooperation & Follow up with Treaty Bodies SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented
146.167 Raise the minimum age of criminal responsibility to 14 years of age (Poland); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	- Children: juvenile justice - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented
146.168 Raise the minimum age of criminal responsibility to at least 14 years old (Portugal); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	- Children: juvenile justice - Constitutional & legislative framework SDGs: - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: - Children - Persons deprived of their liberty & detainees	Not implemented

146.169 Adjust the national child justice system in line with the Convention on the Rights of the Child, in particular raise the minimum age of criminal responsibility from 10 to 14 years of age (Republic of Moldova); Source of Position: A/HRC/47/8/Add.1 - Para.38	Noted	<ul style="list-style-type: none"> - Children: juvenile justice - Cooperation & Follow up with Treaty Bodies - Constitutional & legislative framework SDGs: <ul style="list-style-type: none"> - 16 - PEACE, JUSTICE AND STRONG INSTITUTIONS Affected persons: <ul style="list-style-type: none"> - Children - Persons deprived of their liberty & detainees 	Not implemented
Theme: Migrants			
146.293 Encourage implementation of a human rights-based approach to migration and border management (Cambodia); Source of Position: A/HRC/47/8/Add.1 - Para.51	Noted <ul style="list-style-type: none"> - Migrants SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers - Migrants - Non-citizens 	<ul style="list-style-type: none"> - Migrants SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Refugees & asylum seekers - Migrants - Non-citizens 	Not implemented
146.294 Continue its efforts in adopting a human-rights based approach to migration and border management and consider utilizing alternatives to detention for migrant	Noted <ul style="list-style-type: none"> - Migrants - Children: definition; general principles; protection - Conditions of detention SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Children - Migrants 	<ul style="list-style-type: none"> - Migrants - Children: definition; general principles; protection - Conditions of detention SDGs: <ul style="list-style-type: none"> - 10 - REDUCED INEQUALITIES Affected persons: <ul style="list-style-type: none"> - Children - Migrants - Persons deprived of their liberty & detainees 	Not implemented

children (Thailand); Source of Position: A/HRC/47/8/ Add.1 - Para.51	- Persons deprived of their liberty & detainees		
146.305 Protect the rights of migrants and close offshore detention centres for migrants (China); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	- Migrants - Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Migrants - Persons deprived of their liberty & detainees	Not implemented
146.309 Ensure implementation of a human rights approach in the offshore processing of migrants and asylum seekers (Uganda); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	- Migrants - Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Not implemented
146.310 Review legislation on the mandatory detention of irregular migrants and halt the use of offshore detention centres in Nauru and Papua New Guinea (Ireland);	Noted	- Migrants - Constitutional & legislative framework - Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Migrants - Persons deprived of their liberty & detainees	Not implemented

Source of Position: A/HRC/47/8/ Add.1 - Para.51			
146.311 Ensure immigration detention is justified, time limited, and subject to prompt and regular judicial oversight (Germany); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	- Migrants - Administration of justice & fair trial SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Not implemented
146.313 Review its immigration detention regime to end the indefinite detention of people seeking asylum in Australia and to stop offshore processing of refugees and provide pathways to resettlement (Finland); Source of Position: A/HRC/47/8/ Add.1 - Para.51	Noted	- Migrants - Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Not implemented
146.326 Review the immigration policies so as to improve the rights of refugees and asylum seekers,	Noted	- Migrants - Legal & institutional reform SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Not implemented

including by transferring to onshore centres asylum seekers waiting for a decision and taking into consideration the humanitarian aspects of the expulsion of foreign citizens with permanent resident visas (Italy); Source of Position: A/HRC/47/8/Add.1 - Para.51		- Non-citizens	
146.327 Improve the conditions of reception and detention of refugees and migrants in accordance with international standards (Algeria); Source of Position: A/HRC/47/8/Add.1 - Para.51	Noted	- Migrants - Conditions of detention SDGs: - 10 - REDUCED INEQUALITIES Affected persons: - Refugees & asylum seekers - Migrants	Partially implemented

¹ Amnesty International Australia, 'Community-led Refugee Program is here to stay', 28 February 2025, <https://www.amnesty.org.au/community-led-refugee-program-is-here-to-stay/>

² Human Rights Law Centre, 'Independence of the Australian Human Rights Commission now assured', 27 July 2022, <https://www.hrlc.org.au/news/2022-9-6-independence-of-the-australian-human-rights-commission-now-assured/>

³ Australia endorsed UNDRIP in 2009, but is yet to implement it into law, policy and practice; ANTAR, "UNDRIP in Australia", 20 July 2024, <https://antar.org.au/issues/undrip/australia/>; Amnesty International Australia, '16 years since Australia endorsed the UN Declaration on the Rights of Indigenous Peoples', 9 April 2025, <https://www.amnesty.org.au/16-years-since-australia-endorsed-undrip/>; Australian Human Rights Commission, 'Implementing UNDRIP', 2021, https://humanrights.gov.au/sites/default/files/2020-10/implementing_undrip_-_australias_third_upr_2021.pdf; In November 2023 the Senate released its report from the 'Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia'. This recommended that state, territory and federal governments ensure that policy and legislation affecting Aboriginal and Torres Strait Islander peoples is

consistent with UNDRIP and suggested mechanisms to do this: see Report November 2023, Forward, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Aboriginal_and_Torres_Strait_Islander_Affairs/UNDRIP/Report

⁴ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Australia, recommendation 146.181 (Venezuela), UN Doc. A/HRC/47/8, 28 December 2020, <https://undocs.org/A/HRC/WG.6/37/AUS/1>, and its Addendum A/HRC/47/8/Add.1

⁵ Recommendations to raise the age of criminal responsibility to 14 were noted by Australia at the previous review; A/HRC/47/8/Add.1, recommendations 146.40 (Italy), 146.141 (Slovakia), 146.142 (Spain), 146.144 (Sweden), 146.145 (Switzerland), 146.148 (Chile), 146.150 (Cyprus), 146.151 (Gambia), 146.155 (Finland), 146.157 (Germany), 146.158 (Greece), 146.160 (Lithuania), 146.163 (Malta), 146.164 (Mexico), 146.165 (North Macedonia), 146.166 (Norway), 146.167 (Poland), 146.168 (Portugal), 146.169 (Republic of Moldova)

⁶ At the previous review many countries called for Australia to cease offshore processing and mandatory detention of refugees: A/HRC/47/8, recommendations 146.305 (China), 146.310 (Ireland), 146.311 (Germany), 146.313 (Finland), 146.315 (Costa Rica), 146.325 (Islamic Republic of Iran), 146.328 (Luxembourg), 146.332 (Republic of Korea), 146.336 (Brazil), 146.326 (Italy), and 146.340 (Norway). Other recommendations called more broadly for Australia's border and detention policies to comply with international human rights: A/HRC/47/8, recommendations 146.293 (Cambodia), 146.294 (Thailand), 146.309 (Uganda), and 146.327 (Algeria).

⁷ Australia noted but did not accept this recommendation, UN Doc. A/HRC/47/8, recommendations 146.49 (Ecuador), 146.48 (Canada)

⁸ Australia lacks a national framework to guide and monitor human rights progress, with no clear obligations for government accountability or reporting; Amnesty International Australia, 'Submission: Inquiry into Australia's human rights framework', 11 August 2023, <https://www.amnesty.org.au/submission-human-rights-act-inquiry/>

⁹ The government has not acted on recommendations from the previous cycle or the 2024 recommendation from the Parliamentary Joint Committee on Human Rights to legislate an Act; Parliamentary Joint Committee on Human Rights, 'Inquiry into Australia's Human Rights Framework', 30 May 2024, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report

¹⁰ Amnesty International Australia, 'UN torture watchdog abandons mission to Australia; blocked by NSW, QLD governments', 24 October 2022, <https://www.amnesty.org.au/un-torture-watchdog-abandons-mission-to-australia-blocked-by-nsw-qld-governments/>

¹¹ Amnesty International Australia, 'OPCAT Failure: Australia misses another deadline', 30 January 2023, <https://www.amnesty.org.au/australia-has-failed-to-meet-the-deadline-for-implementing-the-optional-protocol-to-the-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment/>

¹² Australian National Preventive Mechanism, 'Written contribution to List of Issues Prior to Reporting Seventh periodic report of Australia under the International Covenant on Civil and Political Rights', 28 May 2025, https://www.ombudsman.gov.au/_data/assets/pdf_file/0024/318516/Australian-NPM-written-contribution-to-LOIPR-ICCPR-seventh-periodic-review.pdf; A/HRC/47/8/Add.1 recommendations 146.138 (Ukraine), 146.139 (Philippines)

¹³ Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, 'Inquiry into the Implementation of UNDRIP in Australia', November 2023, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Aboriginal_and_Torres_Strait_Islander_Affairs/UNDRIP/Report/Chapter_2_-_Implementation_in_Australia?utm_source=chatgpt.com

¹⁴ Victorian Government and First Peoples' Assembly of Victoria, 'Treaty Negotiations updates', 13 January 2025, <https://www.firstpeoplesrelations.vic.gov.au/treaty-negotiation-updates>

¹⁵ Australian Human Rights Commission, 'Ending QLD Truth-telling and Healing Inquiry is harmful and divisive', 1 November 2024, <https://humanrights.gov.au/about/news/ending-qld-truth-telling-and-healing-inquiry-harmful-and-divisive>

¹⁶ Queensland Government, 'A Fresh Start for Queensland: Path to Treaty Act repealed as Indigenous communities receive direct funding boost', 28 November 2024, <https://statements.qld.gov.au/statements/101654>

¹⁷ First Cycle UPR, recommendation 103 (Slovenia): "Institute a formal reconciliation process leading to an agreement with Aboriginal and Torres Strait Islander people", cited in Australian Human Rights Commission, Implementation Matrix Summary, recommendations made during the 1st cycle of the UPR, <https://humanrights.gov.au/sites/default/files/2025-03/UPR-Implementation-Matrix-recommendations-Australias-First-UPR.pdf>

¹⁸ The National Agreement on Closing the Gap sets targets to reduce Aboriginal and Torres Strait Islander adult incarceration by 15%, youth detention by 30% by 2031 and reducing suicide rates toward zero: <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>

¹⁹ Australian Government Productivity Commission, 'Closing the Gap: Annual Data Compilation Report', 31 July 2024, <https://www.pc.gov.au/closing-the-gap-data/annual-data-report>

²⁰ Rates of Indigenous children experiencing out-of-home care have also risen. Australian Government Productivity Commission, 'Closing the Gap: Annual Data Compilation Report', 31 July 2024, <https://www.pc.gov.au/closing-the-gap-data/annual-data-report>

²¹ UN Doc. A/HRC/47/8, recommendation 146.259 (Slovakia); Australia noted and committed to consider further

²² Australian Bureau of Statistics, 'Prisoners in Australia', 30 June 2024, <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>

²³ Australian Institute of Criminology, 'National Deaths in Custody Program Real-time dashboard', <https://www.aic.gov.au/statistics/deaths-custody-australia>

²⁴ OHCHR Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party: Report of the Subcommittee, p 6, <https://www.ohchr.org/en/treaty-bodies/spt/visits>.

²⁵ In 2023-24 the Labor Government's First Nations justice package committed \$69 million over four years to establish a National Justice Reinvestment Program for up to 30 community-led justice reinvestment initiatives, and \$20 million per year committed to the program after the four years. Amnesty also welcomed the Government commitment of \$12.5 million over four years to establish a National Justice Reinvestment Unit to coordinate and support justice reinvestment initiatives. In the 2023-24 Budget, the Government committed an additional \$10 million over four years to support place-based justice reinvestment initiatives in Central Australia.

²⁶ Australian Institute of Criminology, 'Deaths in Custody in Australia, Real Time Dashboard', <https://www.aic.gov.au/statistics/deaths-custody-australia>

²⁷ In 2024, Indigenous children were 23 times more likely to be under youth justice supervision and 27 times more likely to be in detention, despite making up only 5.7% of the population aged 10 to 17. Indigenous young people are significantly over-represented in all stages of the youth justice system, representing 6.6% of the general population in Australia but making up 65% of the young people in detention; Australian Institute of Health and Welfare, 'Youth detention population in Australia 2024', 13 December 2024, <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/first-nations-young-people/key-findings>. It has long been acknowledged that increasing imprisonment of Aboriginal and Torres Strait Islander

people is not due to an increase in offending, but rather mainly due to law and policy settings (for example, NSW Bureau of Crime Statistics and Research, Issue Paper No. 41 2009, 'Why Are Indigenous Imprisonment Rates Rising?', <https://bocsar.nsw.gov.au/documents/publications/bb/bb01-100/bb41.pdf> found "[t]he evidence indicates that most of the increase in Indigenous prisoner numbers is due to tougher bail and sentencing policies."). Evidence also shows how systemic racism and over-policing of First Nations people impacts rates of incarceration as well as deaths in custody: see for e.g. Reconciliation Australia, 'Dr Hannah McGlade on Australian Policing', 24 April 2024, <https://www.reconciliation.org.au/dr-hannah-mcglade-the-racist-heart-of-australian-policing/> and ABC News, 'Police shooting of Kumanjyi Walker shows Australia needs 'comprehensive reform', UN says', 12 July 2025, <https://www.abc.net.au/news/2025-07-12/kumanjyi-walker-shooting-shows-australia-needs-reform/105524228>. The Australian Law Reform Commission found in 2017 that data shows First Nations People are disproportionately impacted at every stage of the criminal justice system, from being more likely to be arrested and charged, less likely to be granted bail, and more likely to be sentenced to imprisonment than non-First Nations People: Pathways to Justice: An Inquiry Into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report, ALRC Report 133, December 2017. In relation to First Nations children specifically, Professor Megan Davis and Dr Hannah McGlade write: "The current low age of criminal responsibility especially impacts and harms Aboriginal and Torres Strait Islander children, given their disproportionate representation in the criminal legal system. As children, particularly Indigenous children, in the criminal legal system are more likely to have disability and neurodevelopment impairment, complex trauma, mental health disorders and drug and alcohol use disorders, the current approach amounts to the criminalisation of unmet health, disability and trauma needs" (Davis, Megan, and McGlade, Hannah, 'International Convention on the Elimination of All Forms of Racial Discrimination – Early Warning and Urgent Action submission', 31 March 2025, https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf, at p 19, par 82). Harsh sentencing similarly targets First Nations children, e.g.: "Mandatory detention laws [such as exist in the NT and WA, in breach of CRC and ICCPR rights] disproportionately impact Indigenous children who are overrepresented in the criminal legal system and who find themselves disproportionately charged with offences to which mandatory sentencing applies, such as property offences and acts intended to cause injury." – Ibid, p 23 par 102. "Like low minimum ages of criminal responsibility, mandatory detention [significantly] increases Indigenous children's risk of incarceration and exposure to harmful and degrading practices": at p 24, par 104. Similarly, "strict bail laws have a discriminatory and harmful impact on Indigenous children and only serve to entrench them in the criminal legal system" given that First Nations children are disproportionately more likely to be remanded in custody than to be granted bail: Ibid, p 25, par 110.

²⁸ These policies entrench cycles of trauma, breach equality and non-discrimination principles, and violate treaty obligations; the Convention on the Rights of the Child (CRC), particularly Articles 3, 37 and 40; the International Covenant on Civil and Political Rights (ICCPR) particularly Articles 9 and 24; the Convention Against Torture (CAT), in relation to degrading and inhuman treatment of children; and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), due to the disproportionate impact on Indigenous children

²⁹ Such as those with intellectual disability, fetal alcohol spectrum disorder, or acquired brain injury. Several studies show a high proportion of imprisoned people have an acquired brain injury or intellectual disability compared with the general population proportion, particularly young First Nations People. A 2016 study showed that 1 in 4 Indigenous young people in NSW custody had an intellectual disability; NSW Health and NSW Juvenile Justice, "2015 Young People in Custody Health Survey: Key Findings for all Young People", 21 June 2018, <https://www.nsw.gov.au/legal-and-justice/youth-justice/about/research/custody-health-survey/2015-ypichs-full-report>; While the Bureau of Statistics found people with an intellectual disability make up 2.9% of the general population, a 2013 study found people with an intellectual disability made up 15% of the Australian prison population 30% if including borderline intellectual disability: Eileen Baldry, Melissa Clarence, Leanne Dowse & Julian Troller, "Reducing vulnerability to harm in adults with cognitive disabilities in the Australian criminal justice system", 2013, Journal of Policy and Practice in Intellectual Disabilities, 10(3), 222-229; In a Western Australian study, 88 percent of young people in WA detention centres were found to have a least one domain of severe neurodevelopmental impairment, and 36 percent were identified to have fetal alcohol spectrum disorder; Bower C, 'Fetal alcohol spectrum disorder and youth justice: A prevalence study among young people sentenced to detention in Western Australia', 2018, cited in Lansdell et al, June 2022, 'Young people with acquired brain injury: Preventing entrenchment in the criminal justice system', Report to the Criminology Research Advisory Council, 2022, https://www.aic.gov.au/sites/default/files/2022-06/crg_young_people_with_acquired_brain_injury_v4_-_250522.pdf; This study found that "young people with ABIs appear very likely to be over-represented in the criminal justice system and entrenched in systems which they experience negatively from first point of contact", with 2019 research showing "38 percent of young people in Victorian courts present with cognitive difficulties that impact daily functioning"; AIC Trends and Issues, 'Young people with acquired brain injury: Preventing entrenchment in the criminal justice system', June 2022, https://www.aic.gov.au/sites/default/files/2022-06/ti650_young_people_with_acquired_brain_injury.pdf at page 2.

³⁰ See A/HRC/47/8/Add.1, par 7 and par 38.

³¹ Amnesty International Australia, 'Adult crime adult time' policy flies in the face of all evidence', 28 October 2024, <https://www.amnesty.org.au/queensland-lnp-adult-crime-adult-time-policy-flies-in-the-face-of-all-evidence/>

³² The Strengthening Community Safety Bill 2023 included a new [section 29\(3\)](#) and [section 50](#) under the *Bail Act 1980* (Qld) to allow children who breach bail conditions to be charged with the same offence as an adult. The Minister for Police noted that the bail offence laws infringed on children's rights, including the CRC right to protection in their best interests; making it more likely they would be detained pending trial, be detained longer and limit diversion – inconsistent with rules 11 and 13 of the Beijing Rules and part III of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; See Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, 'Strengthening Community Safety Bill 2023 - Statement of Compatibility', <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t166/5723t166-f46a.pdf> at p 2-3.

³³ A report in April 2024 indicated that since the Queensland bail laws were introduced, 1,144 children - aged 10-17 – had been arrested on 8,464 breach of bail charges; National Indigenous Times, 'More than 1110 children charged under new bails laws in Queensland', 9 April 2024, <https://nit.com.au/09-04-2024/10719/more-than-1100-children-charged-under-new-bail-laws-in-queensland>

³⁴ Victorian Commission for Children and Young People, 'New bail laws will undermine community safety at the cost of vulnerable children and young people, children's commissioners say', 21 March 2025, <https://ccvp.vic.gov.au/news/new-bail-laws-will-undermine-community-safety-at-the-cost-of-vulnerable-children-and-young-people-childrens-commissioners-say/>

³⁵ National Children's Commissioner, 'National Children's Commissioner condemns new Victorian bail laws as a backward step', 21 March 2025, <https://humanrights.gov.au/about/news/media-releases/national-childrens-commissioner-condemns-new-victorian-bail-laws-backward>

³⁶ Country Liberal Party, 'Declan's Law: Bail reforms to protect Territorians', 15 August 2024, <https://www.clp.org.au/news/declans-law-bail-reforms-to-protect-territorians>

- ³⁷ NT Government, Bail and Youth Justice Legislation Amendment Bill 2025, <https://agd.nt.gov.au/law-reform-reviews/law-reforms/strengthening-bail-in-the-nt>; this Bill removed the Convention on the Rights of the Child principle that that children should be detained only as a last resort and for the shortest appropriate period, from NT's youth justice law
- ³⁸ ABC News, 'Northern Territory bail laws will have "devastating" impact on young offenders', 2 May 2025, <https://www.abc.net.au/listen/programs/radionational-breakfast/nt-bail-devastating-impact-on-young-offenders/105242634>; NT News, 'New NT bail laws won't fix long-standing issues, experts say', 30 April 2025, <https://nit.com.au/30-04-2025/17664/new-bail-laws-to-be-introduced-in-the-nt-wont-fix-long-standing-issues-experts-say>
- ³⁹ Amnesty International Australia, 'Queensland government perpetrating "industrial scale child abuse" in watchhouses', 18 July 2024, <https://www.amnesty.org.au/queensland-government-perpetrating-industrial-scale-child-abuse-in-watchhouses/>
- ⁴⁰ Under the Convention of the Rights of the Child, the obligations to ensure age-appropriate detention, to only use detention as a last resort for children, to consider the best interests of the child, and to focus on rehabilitation.
- ⁴¹ ABC News, 'Detainment of 15-year-old girl in NT police watch house reignites human rights concerns', 25 March 2025, <https://www.abc.net.au/news/2025-03-25/nt-teenager-held-in-palmerston-police-watch-house-three-nights/105089906>. Davis and McGlade explain: "While Australia has ratified the CRC it has made a reservation to Article 37(c), which provides that 'every child deprived of liberty must be separated from adults unless it is considered in the child's best interests not to do so'. The safety of children is at risk when they are imprisoned in the same facilities as adults. The Commonwealth Government has previously sought to justify this reservation on the basis that Australia's geography makes it difficult to comply with this right while also ensuring that children are able to maintain contact with their families; However, as noted by the National Children's Commissioner, '(c)hildren have been detained alongside adults predominately in major metropolitan centres and towns, and where considerations of geography are not the relevant barrier'; In Queensland, children are commonly detained in police watch houses. The Queensland Public Guardian's latest annual report states '(t)hese are high-risk environments that are not conducive to the safety and psychological wellbeing of children and young people'; he Queensland Family and Child Commission notes that 'watch houses are not suitable places to detain young people for extended periods due to their design (for example, no access to natural light), lack of trained staff, and lack of youth-focused policies, services and programs designed to uphold the rights of children while detained; The detention of children in adult facilities disproportionately affects Aboriginal and Torres Strait Islander children. For example, between January 2023 and June 2024, up to 93% of children in Unit 18 in Western Australia were Aboriginal; Similarly, 93% of the case studies in the Queensland Family and Child Commissioner's review into the detention of children in Queensland watch houses were Aboriginal and Torres Strait Islander": Davis M. and McGlade H., above n 27 at 173-186.
- ⁴² In February 2025, there were 50 children being held in adult watchhouses in Queensland, with some held for extended periods, including children as young as 11. One child spent 22 days in the Caboolture watch house: ABC News, 'Disabled boy allegedly tormented and coerced to drink toilet water in Queensland police watch house', 25 February 2025, <https://www.abc.net.au/news/2025-02-25/queensland-disability-indecent-treatment-cairns-watch-house/104974238>; The Guardian, 'Disabled children kept "in cages" in police watch houses, Australia's children's commissioner says', 23 July 2024, <https://www.theguardian.com/australia-news/article/2024/jul/23/disabled-children-kept-in-cages-in-police-watch-houses-australias-childrens-commissioner-says>; The Guardian, 'Harrowing' footage sparks calls for Queensland government to remove children from police watch houses', 19 July 2024, <https://www.theguardian.com/australia-news/article/2024/jul/19/queensland-children-police-watch-houses-investigation-ntwnfb>
- ⁴³ Amnesty International Australia, '"Abhorrent": QLD Labors rushed amendments violate childrens human rights', 24 August 2023, <https://www.amnesty.org.au/abhorrent-qld-labors-rushed-amendments-violate-childrens-human-rights/>
- ⁴⁴ ABC News, 'Seventeen Banksia Hill juvenile inmates moved to Casuarina Prison', 20 July 2022, <https://www.abc.net.au/news/2022-07-20/seventeen-banksia-hill-inmates-moved-to-casuarina/101256138>; The Guardian, 'Harrowing incidents of self-harm revealed among boys held at Perth adult prison', 12 August 2022, <https://www.theguardian.com/australia-news/2022/aug/12/harrowing-incidents-of-self-harm-revealed-among-boys-held-at-perth-adult-prison>
- ⁴⁵ ABC News, 'Self-harm incidents inside Don Dale spark intervention of NT Children's Commissioner', 10 June 2022, <https://www.abc.net.au/news/2022-06-10/don-dale-self-harm-incidents/101141030>; and National Indigenous Times, 'Grave warning over 'dehumanising' Don Dale prison amid youth detention, self-harm spikes', 14 September 2022, <https://nit.com.au/14-09-2022/3880/grave-warning-over-dehumanising-don-dale-prison-amid-youth-detention-self-harm-spikes>
- ⁴⁶ Amnesty International Australia, 'Amnesty International condemns violence against youth detained in Banksia Hill youth detention centre', 11 May 2023, <https://www.amnesty.org.au/amnesty-international-condemns-violence-against-youth-detained-in-banksia-hill-youth-detention-centre/>
- ⁴⁷ Amnesty International Australia, 'Death of 17 year old Aboriginal boy in WA youth detention a shameful, preventable tragedy - Amnesty International Australia', 30 August 2024, <https://www.amnesty.org.au/death-of-17-year-old-aboriginal-boy-wa-youth-detention/>
- ⁴⁸ UN Committee against Torture, Concluding observations on the sixth periodic report of Australia*, 5 December 2022, CAT/C/AUS/CO/6 found that: "(Australia) should also take all necessary measures to end the use of spit hoods in all circumstances across all jurisdictions": par 14, <https://digitallibrary.un.org/record/3996411>. The Royal Commission into The Protection and Detention of Children in the Northern Territory, 17 November 2017, Final Report recommended that the use of spit hoods continue to be prohibited: : Findings and Recommendations, Rec 13.1, page 30, <https://www.royalcommission.gov.au/child-detention/final-report>. See also Human Rights Law Centre, 'The use of spit hoods and restraint chairs on NT children, a national shame', <https://www.hrlc.org.au/news/the-use-of-spit-hoods-and-restraint-chairs-on-nt-children-a-national-shame/>; Amnesty International Australia, 'Tough on youth crime' policies could breach human rights', 12 August 2024, <https://www.amnesty.org.au/clp-territory-policies-could-breach-human-rights/>; Northern Territory Children's Commissioner, Position Paper: USE OF SPIT HOODS AND RESTRAINT CHAIRS ON CHILDREN, June 2023, https://occ.nt.gov.au/_data/assets/pdf_file/0011/1240040/OCC-Position-Paper-Use-of-Spit-Hoods-and-Restraint-Chairs-on-Children.pdf.
- ⁴⁹ Queensland Ombudsman, 'Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages', 27 August 2024, <https://www.ombudsman.qld.gov.au/publications/detention-inspection-reports/cleveland-youth-detention-centre-inspection-report-focus-on-separation-due-to-staff-shortages>
- ⁵⁰ Davis, M. and McGlade, H., above n 27: "Despite the prohibitions on the use of solitary confinement imposed by international law, and three jurisdictions in Australia (the Australian Capital Territory, Victoria and Queensland) having human rights legislation, no jurisdiction in Australia prohibits solitary confinement. Concerningly, while Australian jurisdictions tend not to use the term 'solitary confinement', practices akin to solitary confinement are effectively permitted by law and policy in various guises: 'separation', 'segregation', 'seclusion' or 'isolation'. While the laws governing the use of confinement on children and young people in prison vary across states and territories, they have proved insufficient to prevent children and young people from being subjected to solitary confinement or otherwise isolated in circumstances which may amount to cruel, degrading and inhuman treatment. They have also led to deaths in custody..."

- ⁵¹ ABC News, 'Inquiries triggered after 11-year-old Indigenous boy placed into police wagon in the Northern Territory', 21 September 2023, <https://www.abc.net.au/news/2023-09-21/inquiries-after-indigenous-boy-11-put-in-nt-police-paddy-wagon/102884196>
- ⁵² Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the sixth periodic report of Australia 5 December 2022 (UN Doc CAT/C/AUS/CO/6) at p 11 (37(d)): "The practice of keeping children in solitary confinement, in particular at the Banksia Hill youth detention centre in Western Australia, the Don Dale youth detention centre in the Northern Territory and the Ashley youth detention centre in Tasmania, which contravenes the Convention and the Nelson Mandela Rules". See also, Davis, M. and McGlade, H., above n 27, at 29(132): "The Nelson Mandela Rules and the Havana Rules strictly prohibit the use of solitary confinement on children and all disciplinary measures constituting cruel, inhuman or degrading treatment.144 The practice can cause immeasurable and lasting trauma to children, especially those with experiences of significant disadvantage and marginalization".
- ⁵³ Amnesty International Australia, 'Death of 17 year old Aboriginal boy in WA youth detention a shameful, preventable tragedy', 30 August 2024, <https://www.amnesty.org.au/death-of-17-year-old-aboriginal-boy-wa-youth-detention/>
- ⁵⁴ Amnesty International Australia, 'Amnesty International calls for the closure of Ashley Youth Detention Centre in light of the latest evidence of sexual abuse', 19 August 2022, <https://www.amnesty.org.au/amnesty-international-calls-for-the-closure-of-ashley-youth-detention-centre-in-light-of-the-latest-evidence-of-sexual-abuse/>; Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, 'Final Report', 31 August 2023, <https://www.commissionofinquiry.tas.gov.au/report>
- ⁵⁵ ABC News, 'Ashley Youth Detention Centre closure delayed again, to 2028, as replacement master plan unveiled', 5 May 2025, <https://www.abc.net.au/news/2025-05-05/tas-ashley-youth-detention-centre-closure-change/105252698>
- ⁵⁶ While in June 2023 the last refugee was reportedly transferred off Nauru, Australia retained its offshore processing policy and soon afterwards, in September and then again in November 2023, more people were transferred there. While some have left, there were further transfers in 2024, and the most recent figure confirmed by government in February 2025 is 93 people; Refugee Council of Australia, "Offshore Processing Statistics, How many are still on PNG and Nauru?", 31 August 2024, <https://www.refugeecouncil.org.au/operation-sovereign-borders-offshore-detention-statistics/2/>.
- ⁵⁷ Amnesty International Australia, 'Amnesty International welcomes High Court ruling of indefinite detention as unlawful and unconstitutional', 9 November 2023, <https://www.amnesty.org.au/amnesty-international-welcomes-high-court-ruling-of-indefinite-detention-as-unlawful-and-unconstitutional/>
- ⁵⁸ The Guardian, 'Indefinite immigration detention ruled unlawful in landmark Australian high court decision', 8 November 2023, <https://www.theguardian.com/australia-news/2023/nov/08/australia-high-court-indefinite-detention-ruling-government>
- ⁵⁹ The case of NZYQ was considered by the High Court in *CZA19 v Commonwealth of Australia; DBD24 v Minister for Immigration and Multicultural Affairs* (2025) HCA 8. The court held that detention by the Executive was lawful if it was reasonably seen as necessary for a legitimate, non-punitive purpose – either removal from Australia or for the purpose of considering and determining a visa application and conditions. The court in CZA19 held that detention for the purpose of having a visa assessed could reasonably be considered necessary even if there is no real prospect of a person's removal from Australia in the reasonably foreseeable future: Douglas McDonald-Norman, 20 May 2025, 'Beyond the Border: CZA19 Across The Indian Ocean' at <https://www.auspublaw.org/blog/2025/05/beyond-the-border-cza19-across-the-indian-ocean>. Effectively, this provides for prolonged indefinite detention practices that are cruel and inhumane and violate international law, even for people recognised as being owed protection' Amnesty International Australia, 'High Court ruling reinforces prolonged and indefinite detention practices, violating Australia's international obligations', 4 April 2025, <https://www.amnesty.org.au/high-court-ruling-reinforces-prolonged-and-indefinite-detention-practices-violating-australias-international-obligations/>
- ⁶⁰ The Migration Amendment Bill 2024 and Migration Amendment (Bridging Visa Conditions) Regulations 2024; the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2024; and the Migration Amendment (Removal and Other Measures) Bill 2024. The laws provide increased powers to: reverse protection findings to deport people to paid third countries, where they may be at risk of harm, detention and refoulement; search people in immigration detention and seize mobile phones; re-introduce punitive curfews and electronic monitoring; criminalise non-cooperation with removal with jail penalties; and create travel bans for certain countries. See: Amnesty International Australia, 'Email Your Senator: Vote against Labor's cruel migration bills', <https://www.amnesty.org.au/act-now/cruel-migration-bills/>; Human Rights Law Centre, 'Albanese Government entrenches cruelty with sweeping anti-migrant laws', 29 November 2024, <https://www.hrlc.org.au/news/2024-11-29-albanese-brutal-anti-migrant-laws/>; Human Rights Law Centre, Explainer: Labor's brutal Deportation and Surveillance Bill, 8 November 2024, <https://www.hrlc.org.au/explainers/2024-11-8-deportation-surveillance/>; Human Rights Law Centre, 'Explainer: Albanese Government's Mobile Phone Ban Bill', 8 November 2024, <https://www.hrlc.org.au/explainers/2024-11-8-mobile-phone-ban/>
- ⁶¹ Amnesty International Australia, 'Labor's secret Nauru deal: A concerning precedent for back-door deportations', 18 February 2025, <https://www.amnesty.org.au/labors-secret-nauru-deal-a-concerning-precedent-for-back-door-deportations/>; The Human Rights Commission raised concerns about what, if any, human rights safeguards would apply to their treatment, and reminded Australia that "any arrangement needs to be consistent with Australia's domestic laws and international human rights obligations": Human Rights Commission, 'Human Rights Commissioner says NZYQ Nauru resettlement announcement raises more questions than it answers', 19 February 2025, <https://humanrights.gov.au/about/news/media-releases/human-rights-commissioner-says-nzyq-nauru-resettlement-announcement>
- ⁶² 2017 United Nations Human Rights Committee, 'Concluding Observations', CCPR/C/AUS/CO/ cited in Amnesty International, "Australia: Human Rights in Review UPR Adoption Statement", 8 July 2021, Index ASA 12/4390/2021, <https://www.amnesty.org/en/documents/asa12/4390/2021/en/>
- ⁶³ Above n 6
- ⁶⁴ UN Doc. A/HRC/47/8, recommendations 146.293 (Cambodia), 146.294 (Thailand), 146.309 (Uganda), and 146.327 (Algeria)
- ⁶⁵ The Asylum Seeker Resource Centre (ASRC) supports almost 70% of people detained in Nauru and stranded in PNG. Their recent report revealed that of those they are in contact with, 100% of refugees in Papua New Guinea and 65% on Nauru suffer from physical health conditions; 20% facing life-threatening conditions; 88% of refugees in PNG experience severe mental health issues, with 40% experiencing chronic suicidal ideation; and many people report being denied medical treatment or asked to pay for care they cannot afford: in ASRC, 'Cruelty By Design: The health crisis in offshore detention', July 2024, https://asrc.org.au/wp-content/uploads/2024/07/ASRCreport_Healthcrisisinoffshoredetention_July2024.pdf
- ⁶⁶ ASRC, 'Offshore health crisis deepens: Advocates call on Labor to reinstate Medevac legislation', 12 February 2025, <https://asrc.org.au/2025/02/12/offshore-health-crisis-deepens-advocates-call-on-labor-to-reinstate-medevac-legislation/> and <https://action.asrc.org.au/health-crisis>. The Australian Greens have introduced a bill to the Senate aiming to restore the life-saving legislation: Migration Amendment (Restoring Medevac) Bill 2025, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bid=s1448
- ⁶⁷ Asylum Seeker Resource Centre, 'Cruel neglect of refugees abandoned in PNG continues as more people threatened with eviction', 28 October 2024, <https://asrc.org.au/2024/10/28/cruel-neglect-of-refugees-abandoned-in-png-continues-as-more-people-threatened-with-eviction/>

⁶⁸ Australia has a confidential bilateral agreement where it pays the government of PNG to provide support for refugees it has forcibly sent there: The Guardian, 'Morrison government struck secret deal to pay PNG to take refugees and asylum seekers', 22 July 2023, <https://www.theguardian.com/australia-news/2023/jul/22/morrison-government-png-asylum-seeker-deal-refugee>. However, the Australian government says PNG is responsible for the men and denies that Australia "has any role in the ongoing management of, or service delivery arrangements for, individuals remaining in PNG": The Guardian, 6 June 2025, <https://www.theguardian.com/australia-news/2025/jun/06/we-just-sit-here-the-broken-men-australias-offshore-detention-regime-left-behind-in-papua-new-guinea>. Two recent UN Human Rights Committee decisions found Australia retains legal responsibility for the welfare of people transferred offshore, due to its effective control over regional processing. In the decisions Committee member Mahjoub El Haiba said: "A State party cannot escape its human rights responsibility when outsourcing asylum processing to another State" and "Where a State exercises effective control over an area, its obligations under international law remain firmly in place and cannot be transferred." Cited in OHCHR, 'Australia responsible for arbitrary detention of asylum seekers in offshore facilities, UN Human Rights Committee finds', 9 January 2025, <https://www.ohchr.org/en/press-releases/2025/01/australia-responsible-arbitrary-detention-asylum-seekers-offshore-facilities>. Consequently Amnesty has called for Nauru to be evacuated: Amnesty International Australia, 'Nauru detention centre must be urgently evacuated in light of UN ruling', 10 January 2025, <https://www.amnesty.org.au/nauru-detention-centre-must-be-urgently-evacuated-in-light-of-un-ruling/>.

⁶⁹ The Fast Track refugee processing system commenced in 2013 as a punitive, deterrent response to people arriving by boat to seek asylum. It involved a sub-standard protection assessment process to 'fast track' refugee status determination of people who arrived by sea and was characterised by a lack of procedural fairness, limited merits review, excessive delays and decision errors. See Kaldor Centre for International Refugee Law, 'Fast Track' Refugee Status Determination', June 2022, <https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-research-briefs/2023-09-Research-Brief-Fast-track-final.pdf>; Asylum Seeker Resource Centre, 'Briefing paper - People failed by Fast Track', September 2024, <https://asrc.org.au/wp-content/uploads/2024/09/Briefing-paper-People-failed-by-Fast-Track.docx.pdf>; Amnesty International Australia, 'Fast Track Explained', 1 April 2025, <https://www.amnesty.org.au/fast-track-explained/>. In its National Platform the Labor Party promised to abolish Fast Track if elected, as it "does not provide a fair, thorough and robust assessment process for persons seeking asylum": Australian Labor Party, *ALP National Platform*, As Adopted at the 2021 Special Platform Conference, <https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>. However, despite the system being formally abolished in 2024, people subject to poor decisions made under it remain without a remedy and importantly, have no pathway to any permanent visas.

⁷⁰ See ABC News, 'Grief and shock in Melbourne after Tamil asylum seeker dies by self-immolation', 28 August 2024, <https://www.abc.net.au/news/2024-08-28/tamil-asylum-seeker-self-immolates-melbourne-protest/104281638>; Kenny, Mary Anne, 'Trauma, mental health and the fast track assessment caseload', Refugee Research Online, 12 June 2015, <https://refugeeresearchonline.org/trauma-mental-health-and-the-fast-track-assessment-caseload/>; M.A. Kenny and N. Procter, 'The fast track refugee assessment process and the mental health of vulnerable asylum seekers', *Psychiatry, Psychology and Law* Vol.23(1), pp.62-6 2015, <https://doi.org/10.1080/13218719.2015.1032951>

⁷¹ Currently those who came as unaccompanied minors, those who arrived in 2010 or earlier; those who arrived as children with their families; those who have potential changes in country circumstances that might give rise to new protection claims; and other individuals who may have migration visa pathways as well - per Home Affairs evidence given in Senate Legal and Constitutional Affairs Legislation Committee, Additional Estimates, 24 February 2025, at page 105, https://www.aph.gov.au/Parliamentary_Business/Senate_estimates/legcon/2024-25_Additional_estimates.

⁷² At the third UPR, a number of countries called on Australia to ensure that people seeking asylum have access to efficient and effective refugee status determination procedures that accord with international law: UN Human Rights Council: Report of the Universal Periodic Review Working Group: Australia, (21 June – 9 July 2021) UN Doc. A/HRC/47/8, recommendations 146.315 (Costa Rica), 146.316 (Afghanistan), 146.317 (Mexico), 146.318 (Argentina), 146.335 (Brazil).

⁷³ Mandatory detention and offshore processing are applied to people who arrive by sea without a visa, and they are banned from ever settling in Australia. Mandatory detention and temporary protection visas applies for people seeking asylum who arrive by air without a visa. Those who arrive with a valid visa are not subject to detention, can apply for permanent protection and have their protection claim processed in Australia. The Third UPR recommended that Australia "Continue to ensure the security, living conditions and rights of migrants, refugees and asylum seekers, regardless of how they entered the country" and "Ensure that asylum seekers have access to a refugee status determination procedure in line with international law" UN Human Rights Council: Report of the Universal Periodic Review Working Group: Australia, (21 June – 9 July 2021) UN Doc. A/HRC/47/8, recommendations 146.330 (Peru) and 146.335 (Brazil).

⁷⁴ *Migration Amendment Bill 2024*, *Migration Amendment (Bridging Visa Conditions) Regulations 2024*, and *Migration Amendment (Removal and Other Measures) Bill 2024*.

⁷⁵ UN Human Rights Council: Report of the Universal Periodic Review Working Group: Australia, (21 June – 9 July 2021) UN Doc. A/HRC/47/8, recommendations relating to non-refoulement: 146.315 (Costa Rica), 146.316 (Afghanistan), 146.317 (Mexico), 146.318 (Argentina), 146.337 (Fiji).

⁷⁶ Department of Home Affairs, Immigration Detention and Community Statistics Summary, April 2025, 29 May 2025, <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-community-statistics-30-april-2025.pdf>

⁷⁷ A/HRC/47/8/Add.1 recommendation 146.181 (Bolivarian Republic of Venezuela).

⁷⁸ Amnesty International Australia, 'Civil society condemns South Australia's anti-protest Bill', 19 May 2023, <https://www.amnesty.org.au/civil-society-condemns-south-australias-anti-protest-bill/>; 'NSW Government's latest crackdown on protest is a band-aid response to surge of antisemitism and other racism', 21 February 2025, <https://www.amnesty.org.au/nsw-governments-latest-crackdown-on-protest-a-band-aid-response-to-surge-of-antisemitism-and-other-racism/>; 'Submission: NSW Review of the Roads Act and the Crimes Act, 5 June 2024, <https://www.amnesty.org.au/submission-nsw-review-of-the-roads-act-and-the-crimes-act/>

⁷⁹ The Roads and Crimes Legislation Amendment Act 2022 in NSW expands provisions criminalising damage or obstruction to major bridges and tunnels to include major roads, train stations, ports and public and private infrastructure, alongside disruption to major bridges and tunnels. The Crimes Amendment (Places of Worship) Act 2025 in NSW expands police powers to police to issue "move-on" orders to those protesting near places of worship. The law also imposes penalties of up to AUD \$22,000 in fines or two years in prison for "harassment" near places of worship. Harassment is not defined in the laws and could cover chanting or holding a placard which constitute expressions of the rights to freedom of expression and assembly. The Summary Offences (Obstruction of Public Places) Amendment Act 2023 in South Australia imposes a three-month prison sentence or a fine of AUD 50,000 for "intentionally or recklessly" obstructing a public place. The Police Offences Amendment (Workplace Protection) Act 2022 in Tasmania imposes penalties of up to 12 months in prison or a fine of up to \$9,750.108 on a person who obstructs access to a workplace as part of a protest.

⁸⁰ Australian Democracy Network, "In Defence of Dissent," December 2024, <https://raisely-images.imgix.net/australian-democracy-network/uploads/in-defence-of-dissent-adn-grata-fund-2024-pdf-890653.pdf>; Nine activists engaged in civil disobedience were sentenced to prison between 2022 and 2024, five of whom were charged under recent laws.

- ⁸¹ Amnesty International Australia, 'Police attempts to block protests go against government's human rights obligations, say civil liberties and community groups', 2 October 2024, <https://www.amnesty.org.au/police-attempts-to-block-october-pro-palestine-protests/>
- ⁸² Amnesty International Australia, 'Australian universities' decision to adopt contested definition of antisemitism is an attempt to stifle freedom of expression across campuses nationwide', 27 February 2025, <https://www.amnesty.org.au/australian-universities-decision-to-adopt-contested-definition-of-antisemitism-is-an-attempt-to-stifle-freedom-of-expression-across-campuses-nationwide/>; Amnesty International Australia, 'Australian Universities' moves to restrict student protests may breach human rights law', 11 July 2024, <https://www.amnesty.org.au/australian-universities-restrict-student-protests-may-breach-human-rights-law/>; Police have also used less-lethal weapons causing injuries, including capicum spray and rubber bullets, at Black Lives Matter and other protests: Amnesty International Australia, 'COVID-19 CRACKDOWNS: The Policing of Protest in New South Wales During the Covid-19 Pandemic', 13 April 2021, <https://www.amnesty.org.au/wp-content/uploads/2021/04/COVID19-CRACKDOWNS-POLICING-PROTEST-NSW-BRIEFING-12042021-FINAL.pdf>, Amnesty International, 'The State of the World's Human Rights: April 2024', 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>
- ⁸³ Anjali Sharma/Duty of Care, 'An Open Letter to Protect Future Generations', 11 January 2025, <https://adutyofcare.davidpocock.com.au/prominent-voices-unite-to-demand-a-climate-duty-of-care-bill-an-open-letter-to-protect-future-generations> Australian Human Rights Commission, Submission by the Australian Human Rights Commission to the Environment and Communications Legislation Committee on the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023, 23 November 2023, <https://humanrights.gov.au/our-work/legal/submission/duty-care-and-intergenerational-climate-equity>
- ⁸⁴ Amnesty International Australia, 'UN adopts landmark resolution to seek climate justice opinion from the world's highest court', 30 March 2023, <https://www.amnesty.org.au/un-adopts-landmark-resolution-to-seek-climate-justice-opinion-from-the-worlds-highest-court/>
- ⁸⁵ Uncle Paul and Uncile Pabai, The Australian Climate Case, 26 October 2021, <https://australianclimatecase.org.au/>
- ⁸⁶ UN Human Rights Office of the High Commissioner, 'Australia violated Torres Strait Islanders' rights to enjoy culture and family life', 23 September 2022, <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>
- ⁸⁷ The Australia Climate Case, 'Federal Court says climate change poses an "existential threat to all of humanity," despite finding law does not "currently" support claim', 15 July 2025, <https://australianclimatecase.org.au/climate-decision/>
- ⁸⁸ Human Rights Watch, 'Australia extends licence for nation's biggest fossil fuel project', 4 June 2025, <https://www.hrw.org/news/2025/06/04/australia-extends-license-nations-biggest-fossil-fuel-project>. In June 2025, the Australian Government gave preliminary approval for the North West Shelf gas project to continue operations until 2070, paving the way for the further expansion of Australia's fossil gas industry. Labelled a 'carbon bomb', the project was vehemently opposed by First Nations groups and human rights organisations for its impacts on climate change, and on the 50,000-year-old rock art of Murujuga. The North West Shelf extension was the Albanese Government's 27th approval of a coal, oil or gas project since taking office. The project has been estimated to lock in 4 billion tonnes of greenhouse gas emissions, or around ten times Australia's annual domestic emissions.
- ⁸⁹ Oxfam Australia, ActionAid, The Australia Institute, Jubilee Australia, Edmund Rice Centre, Caritas Australia, 'Falling Short: Australia's role in funding fairer climate action in a warming world', September 2022, <https://www.oxfam.org.au/wp-content/uploads/2022/09/2022-ACT-004-Climate-Finance-Report-Digital.pdf>
- ⁹⁰ Emergency Leaders for Climate Action and Climate Council, 'Too Close to Home: How we keep communities safe from escalating climate impacts', 20 June 2024, <https://www.climatecouncil.org.au/wp-content/uploads/2024/06/Too-Close-to-Home-ELCA-and-Climate-Council-report.pdf>
- ⁹¹ Climate Council, 'Mission Zero: How today's climate choices will reshape Australia', 20 September 2023, <https://www.climatecouncil.org.au/resources/missionzero/>
- ⁹² Quakers Australia, 'Is Australia Arming Human Rights Abuses? Australia's Opaque Arms Export Industry & Responsibilities Under International Law', April 2025, <https://www.quakersaustralia.info/sites/aymmembers/files/Briefing%20on%20Arms%20Trade%20draft%2024042025.pdf>. Export permits continue to be granted to governments with deeply troubling human rights records, including Saudi Arabia, the United Arab Emirates, the Philippines, Sudan, South Sudan, Israel, and Indonesia. Yet, due to the lack of public transparency, it is impossible to determine whether these exports have directly facilitated human rights abuses.
- ⁹³ Amnesty International Australia is gravely concerned by new reports confirming that Australia has directly supplied parts for F-35 fighter jets to Israel, which have been used in its genocide against Palestinians in Gaza.
- ⁹⁴ Amnesty International Australia, Governments' brazen flouting of Arms Trade Treaty rules leading to devastating loss of life, 19 August 2024, <https://www.amnesty.org.au/governments-brazen-flouting-of-arms-trade-treaty/>. Although Australia has not issued direct export permits to Israel since 7 October 2023, evidence suggests components from Australian companies may still be reaching Israeli forces via third countries, particularly the United States.
- ⁹⁵ Amnesty International Australia, 'Extended release: Analysis of Australian Compliance with Arms Trade Treaty', 15 August 2024, <https://www.amnesty.org.au/analysis-of-australian-compliance-with-arms-trade-treaty/>
- ⁹⁶ Amnesty International Australia, 'Over 230 global organisations demand governments producing F-35 jets stop arming Israel', 21 February 2025, <https://www.amnesty.org.au/over-230-global-organisations-demand-governments-producing-f-35-jets-stop-arming-israel/>
- ⁹⁷ Above n 7 Human Rights Act recommendations.
- ⁹⁸ Un Doc. A/HRC/47/8/Add.1, recommendations 146.138 (Ukraine) and 146.139 (Philippines)
- ⁹⁹ Australia has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, per per A/HRC/47/8 recommendations 146.1 (Uzbekistan), 146.2 (Togo), 146.3 (France), 146.4 (Japan), 146.5 (Senegal), 146.5 (Costa Rica), 146.7 (Argentina), 146.8 (Ukraine), 146.9 (Slovakia), the Convention on Migrant Workers, recommendations 146.10 (Sri Lanka), 146.11 (Egypt), 146.12 (Senegal), 146.13 (Costa Rica), 146.15 (Bolivarian Republic of Venezuela), 146.14 (Togo), 146.17 (Turkey), 146.18 (El Salvador), 146.18 (Honduras), 146.20 (Algeria), 146.21 (Morocco), 146.22 (Philippines), 146.32 (Ecuador), 146.33 (Chile), the Treaty on the Prohibition of Nuclear Weapons, recommendation 146.39 (Honduras), the Optional Protocol to the Convention on the Rights of the Child, recommendations 146.30 (Italy), 46.8 (Ukraine), 146.9 (Slovakia), 146.26 (Cyprus), 146.28 (El Salvador), 146.29 (Albania), 146.30 (North Macedonia), the ILO Protocol to the Forced Labour Convention, recommendation 146.36 (United Kingdom of Great Britain and Northern Ireland), and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, recommendations 146.23 (Togo), 146.24 (Cyprus), 146.25 (Honduras), 146.27 (El Salvador), 146.29 (Albania). Australia has reservations to article 37 (c) of the Convention on the Rights of the Child, recommendations 146.39 (Estonia), 146.30 (Italy), 146.142 (Spain) and article 20 of the International Covenant on Civil and Political Rights, recommendation 146.41 (Namibia).
- ¹⁰⁰ Un Doc. A/HRC/47/8, recommendations 146.264 (United Kingdom of Great Britain and Northern Ireland), 146.265 (Italy), 146.266 (Luxembourg) 146.267 (Poland), 146.268 (Estonia), 146.269 (Republic of Korea), 146.270 (Singapore); Australia has accepted these recommendations.

¹⁰¹ Recommendations to raise the age of criminal responsibility to 14 have not been accepted by Australia: above n 5.

¹⁰² Including spit hoods, solitary confinement, mechanical restraints, police cages and other practices on children in custody.

¹⁰³ UN Doc. A/HRC/47/8, recommendation 146.159 (Iceland)

¹⁰⁴ See above note 6, previous recommendations on offshore detention.

¹⁰⁵ UN doc, A/HRC/59/42, recommendations, para 63 (a)

¹⁰⁶ Oxfam, 'Falling Short: Australia's role in funding fairer climate action in a warming world', recommendations, 1.3, https://www.oxfam.org.au/wp-content/uploads/2022/09/2022-ACT-004-Climate-Finance-Report_Digital.pdf; the report by Oxfam and other aid organisations found Australia's average contributions to climate finance are only AUD \$400 million per year over the period 2020-2025. Its fair share of the USD100 billion that high income historically high emitting countries agreed to provide annually by 2025 is AUD \$4 billion per year. The new climate finance target agreed at COP29 of USD300 billion per year by 2035 is also far too little to meet the needs of lower income countries.

¹⁰⁷ Amnesty International Australia, 'Israel's use of Australian-designed weapon in Gaza genocide must be a wake-up call to end defence exports secrecy', 11 April 2025, <https://www.amnesty.org.au/israels-use-of-australian-designed-weapon-in-gaza-genocide-must-be-a-wake-up-call-to-end-defence-exports-secrecy/>. This recommendation particularly applies to arms and arms parts manufactured by Thales Australia, Electro Optic Systems, and Lockheed Martin.