

ADVANCE QUESTIONS TO AUSTRALIA – ADD.1

LIECHTENSTEIN

- Liechtenstein recognises Australia's commitment to international criminal justice, as evidenced by its continued support for the International Criminal Court and its ratification of the Agreement on Privileges and Immunities of the Court (APIC). Australia has expressed its commitment to ratify and implement the Kampala amendments to the Rome Statute in the past. When does Australia envision finalizing this process?

MEXICO

- What measures have been adopted to ensure the establishment of an independent supervision mechanism which would have access to all detention centers? Our recommendation in this regard envisaged the establishment of such mechanism with a view to facilitating the prompt ratification of OP-CAT. What steps have been taken to ratify OP CAT? Could you elaborate on the current state of play of such process?
- How does Australia implement the National Action Plan 2010 – 2022 to reduce violence against women and their children? How does Australia ensure that its programs are properly resourced and effective? Does it have an independent supervision mechanism to that involves civil society organizations? How do the national action plan and the supervision mechanism take into account the specific situation of indigenous women and migrants as well as their children?
- What laws have been adopted to allow processes of consultations in all actions affecting indigenous peoples? Do the Indigenous Advancement Strategy that commenced in July 2014 and the establishment of the Prime Minister's Indigenous Advisory Council contribute to this aim? If so, could you elaborate on the progress achieved so far by these mechanisms to facilitate the adoption of laws that allow processes of consultations in all actions affecting indigenous peoples, as well as their participation in such consultations? After the recommendations of the parliamentary committee to amend the constitution and refer explicitly to indigenous peoples, what are the next steps towards their recognition?

NETHERLANDS

Business and Human Rights

- Would Australia be willing to adopt a National Action Plan to implement the UN Guiding Principles on Business and Human Rights?

Marriage equality

- Is Australia willing to revise the Marriage Act 1961 in such a way that equality is ensured and that same-sex couples and people with diverse sex and genders will be granted access to the civil institution of marriage?

Violence against Women

- Will Australia make available adequate funding, at federal, state and territory government levels, for initiatives that aim to reduce violence against women?

NORWAY

- According to the UN Special Rapporteur on torture, conditions facing asylum seekers at offshore processing centres in Nauru and Papua New Guinea amount to cruel, inhumane or degrading treatment as defined by CAT. According to the Australian Human Rights Commission, prolonged mandatory detention of asylum seeker children causes them significant mental and physical illness and developmental delays. What steps, if any, is the Australian Government taking to introduce time limits and access to judicial oversight of detention so that mandatory detention only occurs when necessary, for a minimal period, and when reasonable and proportionate?
- According to reports, including from Australian Human Rights Commission, child offenders have sometimes been held in the same correctional centres as adults, all the way down to the age of 10. What steps if any, is the government taking in order to increase the minimum age of criminal responsibility and ceasing of detention of children in adult facilities? Furthermore, what steps, if any, is the government taking in order to ensure that Australian governments review mandatory sentencing and laws that limit judicial discretion, and expand the use of non-custodial measures where appropriate?

SLOVENIA

- Despite certain progress, the 2015 Close the Gap report shows that indigenous Australians continue to face systemic disadvantages across all key areas. How do you plan to intensify efforts to address the underlying causes of these inequalities and start to more rapidly close the gap?

- We note the difficulties that indigenous children and children living in remote areas are facing in accessing education. What measures are foreseen to ensure that all children have access to all levels of education?
- The Committee on the Rights of the Child was concerned about health disparities of children living in rural and remote areas, children in out-of-home care and children with disabilities, and particularly about the gap in health status between Aboriginal and non-Aboriginal children. How will Australia intensify efforts to ensure that all children enjoy the same access to and quality of health services?

SWEDEN

- What steps have been taken towards ratifying the OPCAT since Australia accepted the recommendation to ratify it during the previous UPR session? What is the government's plan and timetable for the ratification of OPCAT?
- What steps is the Australian Government taking towards amending the federal Marriage Act in order to allow same-sex couples to marry? Will the Australian Government provide full recognition of same-sex marriages from overseas?
- What measures has the Australian Government taken to ensure compliance with its international obligations pertaining to the rights of refugees and asylum-seekers, specifically with regards to detention and the principle of non-refoulement?

UNITED STATES OF AMERICA

- We commend Australia's efforts to evaluate more closely the socio-economic conditions in indigenous communities. We are, however, concerned that the closing of the Oombulgurri ["OOM-ba-gaw-ree"] community in Western Australia may endanger the stated rights of indigenous peoples living there. What have been the outcomes thus far of the consultation process under the Western Australian government's review of the state's 274 remote indigenous communities?
- We welcome the progress Australia has made to reduce dramatically the number of minors in immigration detention, many of whom were sent to the detention center in the Republic of Nauru. What additional steps will Australia take to further decrease this number?