



# Economic and Social Council

Distr.: General  
9 November 2016

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fifth periodic report of Australia\*

#### I. General information

1. Please indicate if and when the State party intends to introduce an overarching human rights act that includes the protection and justiciability of economic, social and cultural rights, across all state and territory jurisdictions.
2. Please provide examples of the work undertaken by the Parliamentary Joint Committee on Human Rights indicating whether its recommendations are regularly taken into account by legislators. Please provide updated information on the implementation and impact of the Human Rights Action Plan of 2012.
3. Please provide information on measures taken to reinforce the mandate of the Australian Human Rights Commission so that it covers all the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and to increase the Commission's resources. Please indicate how the State party has acted upon recommendations put forward by the Commission.

#### II. Issues relating to general provisions of the Covenant (arts. 1-5)

##### Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Please provide information on the results of the inquiry launched in 2013 by the Australian Law Reform Commission on the effectiveness of the Native Title Act, as well as on the outcomes of the investigation into indigenous land administration and land use launched by Council of Australian Governments in 2014. Please describe the measures taken to ensure the prior, free and informed consent of those concerned in relation to their right to freely dispose of natural wealth and resources.

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\* Adopted by the pre-sessional working group at its fifty-ninth session (10-14 October 2016).



**Maximum available resources (art. 2 (1))**

5. Please provide information on the measures taken to ensure that companies based or with headquarters in the State party respect economic, social and cultural rights throughout their operations, including when operating abroad.

6. Please provide information on measures taken to consult stakeholders, including affected populations, in the elaboration, negotiation and ratification of trade agreements, such as the Trans-Pacific Partnership Agreement, so as to ensure the protection of economic, social and cultural rights and compliance with international human rights obligations.

**Non-discrimination (art. 2 (2))**

7. Please provide information on progress made in achieving the Closing the Gap Strategy with a view to improving the life expectancy, health, education and employment indicators of indigenous peoples. Please provide additional information on the implementation of the Indigenous Advancement Strategy.

8. Please provide information on trends in budget allocations to Indigenous Affairs and to the National Congress of Australia's First Peoples since 2013.

9. Please explain how the State party reconciles its obligations under the Covenant, notably articles 2, 11 and 12, with its policy of indefinite mandatory detention of all migrants and asylum seekers, including families and unaccompanied children. Please provide information on measures taken to expedite asylum procedures and to introduce alternatives to detention. Please also provide information about measures being taken to address immigration detention conditions, also in the light of the recently published "Nauru files" and the inquiry report published in 2015 by the Australian Human Rights Commission on children in immigration detention.

10. Please provide information on the impact of the National Disability Strategy (2010-2020).

**Equal rights of men and women (art. 3)**

11. Please provide an assessment of the measures taken to ensure a whole-of-Government approach to mainstreaming gender policy and of the remaining obstacles to achieving substantive equality between men and women.

**III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

**Right to work (art. 6)**

12. Please provide statistical data on unemployment rates covering the years 2015 and 2016, disaggregated, to the extent possible, by age, sex, ethnic origin, disability and geographic location.

13. Please provide information on the impact of measures, including those initiated under the 2014-2015 and 2015-2016 budgets, the new 2015 employment services model and the Remote Jobs and Communities Programme, to address unemployment among groups and individuals who are more vulnerable to unemployment, notably youth, indigenous peoples, asylum seekers and persons with disabilities.

**Right to just and favourable conditions of work (art. 7)**

14. Please explain the reasons behind the persisting gender wage gap in the State party and indicate measures taken in that respect. Please provide information on measures taken to assist women and men to balance work and family life.

**Trade union rights (art. 8)**

15. Please provide information about the remaining legal barriers to the exercise of trade union rights by all workers. Please update the Committee on the status and contents of the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013, while indicating their bearing on trade union rights.

**Right to social security (art. 9)**

16. Please provide information on the review of the welfare system carried out in 2013, indicating if and how it increased the protection of individuals and families with poor life outcomes.

17. Please provide more information about eligibility criteria for social security benefits, in particular for newly arrived migrants, asylum seekers and refugees. Please provide statistical data on the legal factors limiting access to social security by “non-compliant job seekers”.

**Protection of the family and children (art. 10)**

18. Please provide data covering the period 2013-2016 on children placed in alternative care, indicating, among others, the ethnic origin and geographic location. Please provide information on the impact of the measures taken, including under the National Framework for Protecting Australia’s Children (2009-2020) to reduce the overrepresentation of indigenous children in alternative care.

19. Please provide information on measures taken to prevent, combat and investigate acts of violence and abuse against persons with disabilities in institutional and residential settings. Please indicate how the State party intends to react to the 2015 Senate report on that issue.

20. Please provide updated statistical data on domestic violence against women and girls, disaggregated by, among other factors, sex, age, ethnic origin, disability and geographic location of the victims, covering the period 2013-2016. Please provide information on the impact of the National Plan to Reduce Violence against Women and Children (2010-2022).

**Right to an adequate standard of living (art. 11)**

21. Please provide statistical data on poverty rates in the State party, disaggregated by ethnic origin, sex, age, disability and geographic location. Please update the Committee on whether the State party intends to adopt and implement a comprehensive poverty reduction and social inclusion strategy that fully integrates economic, social and cultural rights.

22. Please explain the legal framework governing forced evictions and provide data on the prevalence of forced evictions in the State party, especially in Western Australia.

23. Please provide data, disaggregated by ethnic origin, sex, age, disability and geographic location, on the extent of homelessness in the State party and on the impact of measures taken to reduce homelessness, including the National Housing Strategy, the Specialist Homelessness Services collection and the National Partnership Agreement on Remote Indigenous Housing.

**Right to physical and mental health (art. 12)**

24. Please provide information on the implementation of, and the resources allocated to, the National Aboriginal and Torres Strait Islanders Health Strategy (2013-2023).

25. Please provide information on steps taken to introduce alternatives to the indefinite or prolonged detention in prisons or psychiatric facilities of persons with psychosocial disabilities who are deemed unfit to stand trial. Please update the Committee on measures taken to improve access to mental health services, including in prisons.

**Right to education (arts. 13 and 14)**

26. Please provide information on the implementation and impact of the Remote School Attendance Strategy (2014) and the National Partnership Agreement on Universal Access to Early Childhood Education (2013-2015). Please also provide information on other measures taken to improve access to quality education, including early education, in remote areas.

27. Please provide information on measures taken to ensure access to education by migrant, asylum-seeking and refugee children in the State party and in Nauru, as well as in other offshore immigration facilities.

**Cultural rights (art. 15)**

28. Please provide information on measures taken to preserve and promote indigenous languages and cultures.

29. Please provide information on measures taken to facilitate access to the Internet by disadvantaged and marginalized groups and individuals. Please also provide information on Internet coverage in remote areas.

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