

ADVANCE QUESTIONS TO AUSTRALIA (SECOND BATCH)

POLAND

- Poland would like to thank the delegation of Australia for its comprehensive national report and for its efforts to implement recommendations from the previous UPR. Appreciating the progress made, in line with HRC Presidential Statement PRST8/1 of April 2008 and in line with the established practice we would like to pose the following questions in advance to the Government of Australia:

Newest reports, including from Australian Human Rights Commission, raise concerns about certain practices existing in the juvenile justice system, such as low age of criminal responsibility, excessive periods of isolation, combined detention places for children and adults, or inappropriate conditions of the detention places. What measures has the government taken to improve the functioning of the juvenile justice system? What preventive measures have been implemented to stop children from entering justice system in the first place?

- In times of the global pandemic access to services, including to health-care and social services, is of crucial importance. What steps have been taken to ‘close the gap’ between Aboriginal and Torres Strait Islander peoples and other Australians in terms of access to health and social services? Have there been any additional measures undertaken in 2020 in order to alleviate an impact and potential further disparities in health status that the Indigenous Australians may face due to the COVID-19 pandemic?
- What are the measures adopted in order to combat violence against people with disabilities, which include involuntary treatments and prolonged detention despite potential unfitness to handle justice proceedings?

SLOVENIA

- In previous cycle, Australian Government has accepted a recommendation by Slovenia to end the mandatory detention of migrant children. How does the Australian Government intend to solve the issue of its continuous policy of mandatory immigration detention in cases of children involved?

IRAN (ISLAMIC REPUBLIC OF)

- Iran requests an update on the latest measures adopted to address alleged violation of human rights of a group of 30000 asylum seekers who were transferred to Australia between August 2012 and December 2013 (so-called “Legacy Caseload”). Iran also requests Australia to report on the latest situation of 60 asylum seekers arbitrarily detained for more than a year in detention centres in Mantra Beth City?
- What measure has Australia taken to address arbitrary detention (and forceful extradition) of persons at the request of the United States on the basis of false legal

ground, such as alleged violation of the U.S' already unlawful unilateral coercive measures? On what sound legal basis does Australia decide to execute requests for arbitrary detention and extradition of persons accused of circumventing the United States' unlawful unilateral economic sanctions against targeted States? A case in point is Mrs Negar Ghodskani, an Iranian pregnant woman jailed at the request of the United States for 3 years from 2017-2019 and finally extradited to US and who had to give birth to her child while under custody in Adelaide, South Australia. She was not even granted bail to leave the prison for giving birth to her child. This is an outright case of the violation of the rights of the child since the child's best interest was not observed and the child's safety and health were jeopardized. Is there any mechanism in place to address such cases from the perspective of the rights of the child?

- What lessons are learned on fighting impunity for war crimes after the long delayed prosecution of Australian military forces for horrifying war crimes in Afghanistan? The Islamic Republic of Iran requests an update on the latest measures adopted by Australia to ensure respect for international humanitarian law by the Australian armed forces? What measures are taken to serve justice to the perpetrators of war crimes, to avoid repetition of such crimes in the future and to ensure justice for the victims and their families?
- Domestic violence, particularly against women and girls, is on the rise in Australia. What are the latest measures taken by the authorities to address this issue, including measures to mitigate the mental and psychological trauma caused by domestic violence?
- Many Indigenous people (around 432) have died in recent years while under police custody in Australia. What legal and administrative measures have been taken by Australia to address systemic police brutality against indigenous population and to bring the perpetrators of these unlawful acts to justice?
- What legal and administrative measures have been taken by Australia to stop violation of human rights and ensure full protection of human rights of refugees and asylum seekers accommodated in detention centers established in Nauru and Papua New Guinea?

PANAMA

- Panama recognizes Australia's strong commitment and international leadership in the framework of the Women, Peace and Security Agenda. What steps is Australia taking to implement CEDAW's recommendations relating to arms transfers and defence budget, including to undertake gender-sensitive and gender-responsive analysis of the security sector, including arms export, in consultation with women's organizations, to address women's different security experiences, needs and priorities?

- With regard to women's rights and the rights of the child, we would appreciate information on efforts undertaken to address multiple and intersectional forms of discrimination against women and girls with disabilities, indigenous women and girls, and to end harmful practices on children with intersex variations, in line with the recommendations of the CRPD?
- What measures have been adopted to address the rise of expressions of racism, racial discrimination and xenophobia in the country, including in the public sphere, in political debates and in the media?
- Concerning the 2015 telecommunications amendment act and related initiatives requiring telecommunication companies to retain metadata and facilitate access to encrypted messages, how does Australia protect the right to privacy of individuals in this context?
- What more is being done to protect journalists, environmental and human rights defenders, lawyers, whistle-blowers and others making disclosures in the public interest?

GERMANY

- What are the key factors that have prevented Australia from raising the age of criminal responsibility from 10 to at least 14 years?
- How has the number of persons in immigration detention, onshore and offshore, developed over the last three years, and how long have inmates been in detention? How many minors are there in immigration detention?
- To what extent are sterilizations possible under Australian law without the consent of people with disabilities, even if those affected are able to form a will or if it cannot be ruled out that they will be able to do so later?