



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the sixth periodic report of Australia\*

1. The Committee considered the sixth periodic report of Australia<sup>1</sup> at its 13th and 14th meetings,<sup>2</sup> held on 17 February 2025, and adopted the present concluding observations at its 26th meeting, held on 25 February 2026.

#### A. Introduction

2. The Committee welcomes the submission by the State Party of its sixth periodic report, which was provided in response to the list of issues prior to reporting<sup>3</sup> and in accordance with the simplified reporting procedure. The Committee appreciates the constructive dialogue held with the State Party's delegation.

#### B. Positive aspects

3. The Committee welcomes legislative, institutional and policy measures adopted by the State Party to strengthen the protection of economic, social and cultural rights, including the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022; the adoption of human rights acts in the Australian Capital Territory, Victoria and Queensland; the Climate Change Act 2022; the National Agreement on Closing the Gap; and the Future Made in Australia agenda. The Committee also welcomes other measures referred to in the present concluding observations.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the Covenant

4. The Committee continues<sup>4</sup> to appreciate the role of the Parliamentary Joint Committee on Human Rights in assessing bills and legislative instruments regarding their compatibility with the international human rights obligations of the State Party. However, it is concerned that some legislation has continued to be enacted notwithstanding the identification by the Joint Committee of serious concerns regarding compatibility with international human rights instruments, and that the scrutiny process does not ensure that such concerns are meaningfully addressed prior to the adoption of legislation.

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\* Adopted by the Committee at its seventy-ninth session (9–25 February 2026).

<sup>1</sup> [E/C.12/AUS/6](#).

<sup>2</sup> See [E/C.12/2026/SR.13](#) and [E/C.12/2026/SR.14](#).

<sup>3</sup> [E/C.12/AUS/QPR/6](#).

<sup>4</sup> [E/C.12/AUS/CO/5](#), para. 5.



5. **The Committee reiterates its previous recommendation relating to this area<sup>5</sup> and recommends that the State Party strengthen the role of the Parliamentary Joint Committee on Human Rights by affording it adequate time and procedural safeguards to review draft legislation before parliamentary decision-making, and that the Joint Committee's findings be systematically considered and responded to.**

6. The Committee welcomes the adoption of human rights legislation in certain states and territories. It takes note of the report of the Parliamentary Joint Committee on Human Rights on the State Party's human rights framework and the model human rights act proposed in that context, which includes economic, social and cultural rights and envisages positive duties and participation safeguards for groups in situations of vulnerability. However, the Committee remains concerned that the Covenant has still not been incorporated into domestic law at the federal level and that the protection of Covenant rights therefore remains uneven across jurisdictions. The Committee is further concerned at the absence of a comprehensive national human rights framework to guide and monitor the implementation of economic, social and cultural rights.

7. **Reiterating its previous recommendation relating to this area,<sup>6</sup> the Committee recommends that the State Party adopt comprehensive federal human rights legislation incorporating the rights enshrined in the Covenant and ensuring their effective protection and justiciability throughout its territory. The Committee further recommends that the State Party establish indicators and benchmarks for the implementation of Covenant rights.**

#### **National human rights institution**

8. The Committee welcomes the reaccreditation of the Australian Human Rights Commission with A status and the legislative and policy measures taken to strengthen appointment procedures and the tenure of Commissioners. The Committee also welcomes the reinstatement of the Age Discrimination Commissioner and the continued work of the Commission's thematic commissioners, noting that the rights under the Covenant fall within some of the thematic mandates. However, the Committee remains concerned that the rights in the Covenant are not explicitly incorporated into the definition of "human rights" contained in the Australian Human Rights Commission Act 1986 and that the Commission does not provide comprehensive protection and accessible remedies for the full range of economic, social and cultural rights, particularly beyond discrimination-based complaints. The Committee is further concerned about the adequacy and sustainability of financial and human resources to enable the Commission to discharge its mandate effectively.

9. **The Committee reiterates its previous recommendation relating to this area<sup>7</sup> and recommends that the State Party further strengthen the mandate and capacity of the Australian Human Rights Commission, including by ensuring explicit and comprehensive protection of the rights enshrined in the Covenant within its statutory framework, enhancing its competence to address violations of economic, social and cultural rights, and guaranteeing adequate, stable and sufficient financial and human resources to discharge its role effectively.**

#### **Climate change**

10. The Committee welcomes the adoption of the Climate Change Act 2022, which legislates a target of reducing greenhouse gas emissions down to 43 per cent below 2005 levels by 2030, and the development of the National Climate Risk Assessment and the National Adaptation Plan. However, the Committee remains concerned that the current pace of emissions reduction may be insufficient to meet the 2030 target. The Committee is particularly concerned about the disproportionate impact of climate change on Aboriginal and Torres Strait Islander peoples, in particular those who are resident on the Torres Strait Islands, as highlighted in the Views adopted by the Human Rights Committee in *Billy et al.*

<sup>5</sup> E/C.12/AUS/CO/5, para. 6.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., para. 10.

v. *Australia*<sup>8</sup> regarding inadequate adaptation measures. The Committee is further concerned about the continued reliance on and support for fossil fuel extraction and production, which may undermine mitigation efforts and exacerbate environmental and health risks (arts. 2 (1), 11 and 12).

**11. The Committee recommends that the State Party:**

(a) **Take all measures necessary to ensure that it meets and, where possible, strengthens its nationally determined contributions under the Paris Agreement, ensuring that climate policies are fully aligned with its obligations under the Covenant;**

(b) **Accelerate the transition towards renewable energy and progressively phase out reliance on fossil fuels, while ensuring a just, inclusive and rights-based transition that protects workers, low-income households and affected communities;**

(c) **Strengthen adaptation and resilience measures, including safe housing, water security, disaster preparedness and culturally appropriate infrastructure, ensuring the meaningful participation and free, prior and informed consent of Aboriginal and Torres Strait Islander peoples and other affected communities;**

(d) **Enhance climate finance, technology transfer and capacity-building efforts, including in cooperation with Pacific island States;**

(e) **Ensure that mitigation and adaptation measures are guided by the joint statement on human rights and climate change issued by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities;<sup>9</sup>**

(f) **Pay due attention to the Committee's general comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development.**

**Business and human rights**

12. The Committee acknowledges the adoption of the Modern Slavery Act 2018. However, it remains concerned that the State Party has not yet adopted a comprehensive national action plan on business and human rights and that business entities are not subject to a mandatory human rights due diligence obligation covering their operations and supply chains, including those abroad. The Committee further notes that recommendations contained in the report on the statutory review of the Modern Slavery Act 2018 (the McMillan review) calling for the introduction of due diligence obligations and strengthened enforcement mechanisms have not yet been fully implemented. The Committee also notes concerns expressed by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, regarding vulnerabilities associated with employer-tied visa schemes and the situation of undocumented migrant workers.<sup>10</sup> While welcoming the State Party's indication that work exploitation is prosecuted regardless of migration status, the Committee remains concerned about the effectiveness and coverage of labour inspection and enforcement mechanisms, particularly in remote areas and high-risk sectors. The Committee is also concerned about the limited availability of accessible, effective and independent judicial and non-judicial mechanisms to investigate and provide remedies for alleged violations of Covenant rights by Australian companies operating overseas (art. 2 (1)).

**13. The Committee recommends that the State Party:**

(a) **Enact a comprehensive national legal framework that requires business entities to conduct human rights due diligence throughout their operations and supply chains;**

<sup>8</sup> [CCPR/C/135/D/3624/2019](#).

<sup>9</sup> [HRI/2019/1](#).

<sup>10</sup> See [A/HRC/60/28/Add.1](#).

(b) **Develop a national action plan for business and human rights, in consultation with civil society, and considering the Guidance on National Action Plans on Business and Human Rights issued by the Working Group on the issue of human rights and transnational corporations and other business enterprises;**

(c) **Amend the Modern Slavery Act 2018, building on relevant domestic review processes to strengthen its effectiveness, including by introducing mandatory human rights due diligence obligations, establishing effective monitoring and enforcement mechanisms, providing for proportionate and dissuasive penalties for non-compliance, lowering reporting thresholds where appropriate and ensuring access to effective remedies for victims of business-related human rights abuses;**

(d) **Strengthen labour inspection and enforcement mechanisms, particularly in extractive industries and other remote and high-risk sectors, and consider reviewing employer-sponsored temporary visa arrangements to reduce workers' dependency on a single employer, including by ensuring that migrant workers can safely change employers without jeopardizing their migration status and that they have access to effective complaint mechanisms, in line with recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences;**

(e) **Take into account the Committee's general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

#### **Indigenous Peoples**

14. The Committee welcomes the continued engagement of the State Party and the Aboriginal and Torres Strait Islander peoples under the National Agreement on Closing the Gap and acknowledges ongoing efforts to implement the Agreement's targets. While noting some areas of improvement, the Committee is concerned that overall implementation remains insufficient, that, for many targets, efforts are off track or the situation is worsening, and that progress remains uneven across jurisdictions. The Committee is particularly concerned about the worsening indicators relating to child protection and early childhood development. Furthermore, while the Committee welcomes that certain states and territories have established representative bodies for Aboriginal and Torres Strait Islander peoples, it regrets that, following a 2023 referendum, no further progress has been made towards establishing a constitutionally recognized federal representative body for those peoples (art. 1 (1) and (2)).

15. **The Committee recommends that the State Party intensify its efforts to ensure the equal enjoyment of Covenant rights by Aboriginal and Torres Strait Islander peoples, including by accelerating progress towards the achievement of the targets under the National Agreement on Closing the Gap. In doing so, the State Party should strengthen the collection and transparent publication of disaggregated data and ensure robust, effective and independent accountability mechanisms applicable to all levels of government. The Committee recommends that the State Party take renewed and concrete steps, in close consultation with Aboriginal and Torres Strait Islander peoples, to advance constitutional recognition consistent with the right to self-determination and to ensure that any future process is Indigenous led, culturally appropriate and supported by sustained public education.**

#### **Free, prior and informed consent**

16. The Committee notes the operation of the "future acts" regime under the Native Title Act 1993, which provides native title holders and claimants with rights to notification and negotiation in relation to acts that may affect native title. The Committee is concerned, however, that the regime does not require the free, prior and informed consent of Aboriginal and Torres Strait Islander peoples before activities affecting their lands, territories and resources are authorized. The Committee is further concerned about the continued burden placed on Indigenous Peoples to prove ongoing connection to land, which often poses an additional barrier to the effective protection and exercise of their right to free, prior and informed consent (art. 2 (1) and (2)).

17. **The Committee recommends that the State Party pay due attention to the forthcoming report by the Australian Law Reform Commission on its review of the future acts regime and incorporate the principle of free, prior and informed consent, consistent with the Covenant, into the Native Title Act 1993 and other legislation affecting Aboriginal and Torres Strait Islander peoples' lands, territories and resources. The Committee further recommends that the evidentiary burden under the Native Title Act 1993 be promptly reformed so as to remove barriers to the effective recognition and protection of Indigenous Peoples' rights and to strengthen procedural safeguards in development projects affecting them.**

#### **Asylum-seekers transferred offshore**

18. The Committee notes that the State Party grants a significant number of humanitarian protection visas. The Committee reiterates its previous concerns regarding the policy of offshore processing of asylum claims.<sup>11</sup> The Committee is concerned about the situation of persons who remained in Papua New Guinea following the termination of the regional processing arrangements, who have reportedly faced precarious living conditions, limited access to healthcare and social services, and risks of eviction. The Committee is also concerned about the situation of asylum-seekers transferred to Nauru under regional processing arrangements, especially reports regarding poor living conditions and difficult access to essential services. The Committee recalls that the State Party continues to bear responsibility under the Covenant where it exercises effective control over persons through funding and administrative arrangements (arts. 11–13).

19. **The Committee reiterates its previous recommendation<sup>12</sup> that the State Party ensure that its policies relating to offshore processing fully comply with its obligations under the Covenant. The Committee urges the State Party:**

(a) **To reconsider its policy of offshore processing of asylum claims in the light of its human rights obligations;**

(b) **To ensure that all persons transferred under regional processing arrangements have access to adequate housing, food, healthcare, social services and education;**

(c) **To ensure durable solutions for those persons who remain in Nauru or Papua New Guinea, including through safe resettlement and family reunification, with full procedural safeguards;**

(d) **To take into account the Committee's statement on duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights.<sup>13</sup>**

#### **Non-discrimination**

20. The Committee welcomes the appointment of special envoys to combat antisemitism and Islamophobia; however, it is concerned that the federal anti-discrimination framework remains fragmented and does not provide comprehensive protection against discrimination on all grounds prohibited under the Covenant, in particular religion or belief. The Committee is further concerned that exemptions under the Sex Discrimination Act 1984 (sects. 37 and 38) permit religious bodies, including educational institutions and healthcare providers, to engage in conduct that may result in discrimination against LGBTQI+ persons. The Committee notes in this regard that the Australian Law Reform Commission has recommended the amendment of section 37 and the repeal of section 38 of the Act (art. 2 (2)).

21. **The Committee recommends reviewing and strengthening the federal anti-discrimination legislation to ensure full and effective protection against discrimination on all grounds prohibited under the Covenant. The Committee also recommends that the State Party adopt a comprehensive preventive approach to**

<sup>11</sup> E/C.12/AUS/CO/5, para. 17.

<sup>12</sup> Ibid., para. 18.

<sup>13</sup> E/C.12/2017/1.

**discrimination, including through the codification and harmonization of positive duties across all federal anti-discrimination laws. The Committee further recommends that the State Party amend the Sex Discrimination Act 1984 to ensure that exemptions do not result in discrimination contrary to the Covenant, including against LGBTIQ+ persons.**

#### **Maximum available resources**

22. The Committee remains concerned about the continued existence of significant tax concessions that disproportionately benefit high-wealth individuals, including preferential treatment of capital gains and deductions related to investment properties, as well as concessional taxation of substantial retirement savings. The Committee is concerned that such concessions may reinforce wealth inequalities and limit the State Party's ability to mobilize the maximum available resources necessary to adequately fund social security, housing and other Covenant rights. The Committee is further concerned about the lack of comprehensive public reporting on the fiscal costs and distributional impacts of tax expenditures and tax avoidance losses. The Committee is also concerned that fiscal consolidation measures may undermine a clear commitment to progressively increase social spending, to the maximum of available resources, for the realization of rights under the Covenant. Finally, the Committee welcomes the continued efforts to combat illicit flows and the planned establishment of a beneficial ownership register, while reiterating that States Parties have a duty to take measures to combat tax evasion and tax avoidance, both within and beyond their territory, as they represent a significant loss of public revenue and constitute an impediment to the mobilization of domestic resources for the realization of human rights (art. 2).

23. **The Committee recommends that the State Party, in line with article 2 (1) of the Covenant, review its fiscal policies with a view to mobilizing and allocating the maximum available resources in a manner consistent with equality and the progressive realization of economic, social and cultural rights, including by:**

(a) **Conducting regular and participatory assessments of the impact of fiscal and tax policies on the enjoyment of Covenant rights, particularly by disadvantaged and marginalized groups, including Aboriginal and Torres Strait Islander peoples;**

(b) **Assessing the distributive impact and fiscal cost of tax concessions, including those relating to capital gains, investment property deductions and superannuation, and reviewing them as necessary to enhance the progressivity of the tax system and safeguard resources for the realization of economic, social and cultural rights;**

(c) **Increasing the budget allocated to social security, housing, health, education, employment services and other areas related to Covenant rights;**

(d) **Continuing efforts to prevent and combat illicit financial flows, tax evasion and fraud, including through effective implementation of a public beneficial ownership register;**

(e) **Taking into account the Committee's statement on tax policy and the International Covenant on Economic, Social and Cultural Rights.<sup>14</sup>**

#### **Official development assistance**

24. The Committee is concerned about the low level of official development assistance from the State Party (art. 2 (1)).

25. **The Committee recommends that the State Party achieve the official development assistance target of 0.7 per cent of its gross national income and urges it to ensure that its official development assistance programmes prioritize supporting recipient countries in meeting their obligations under the Covenant.**

<sup>14</sup> E/C.12/2025/1.

### **Right to work**

26. The Committee welcomes the relatively low overall unemployment rate in the State Party. However, the Committee remains concerned that unemployment continues to affect Aboriginal and Torres Strait Islander peoples disproportionately and that certain groups, including persons with disabilities, continue to face unemployment rates that are higher than the national average (art. 6).

**27. The Committee recommends that the State Party strengthen measures to address structural barriers to employment affecting Aboriginal and Torres Strait Islander peoples, persons with disabilities, women and young people, including through targeted training, reasonable accommodation and inclusive labour market policies, in line with the Committee's general comment No. 18 (2005) on the right to work.**

### **Right to just and favourable conditions of work**

28. The Committee welcomes the State Party's efforts to reduce the gender pay gap, in particular the review by the Fair Work Commission of gender undervaluation in female-dominated industries and the resulting phased increases to minimum wages for some of those industries. However, the Committee notes the persistence of the gender pay gap despite those reforms. Furthermore, the Committee remains concerned that minimum wage levels may not fully guarantee a decent standard of living for workers and their families, particularly in the context of rising living costs. The Committee is also concerned that the junior wage rate system may result in disproportionately low wages for young workers (arts. 3 and 7).

**29. The Committee recommends that the State Party:**

(a) **Ensure that minimum wage levels guarantee a decent standard of living for workers and their families, including through regular review and adjustment in consultation with social partners and indexation to the cost of living;**

(b) **Review the junior wage rate system to ensure that it does not undermine the right to an adequate standard of living while maintaining appropriate labour market flexibility;**

(c) **Strengthen measures to guarantee equal pay for work of equal value, including through effective implementation of pay transparency mechanisms, gender-neutral job evaluation methods and, where appropriate, binding measures with effective enforcement;**

(d) **Strengthen labour inspection mechanisms and ensure adequate human and financial resources to monitor compliance with wage and working conditions regulations across all sectors, including domestic work, agriculture and other high-risk sectors.**

### **Right to social security**

30. While noting recent increases in income support payments, the Committee remains concerned that the level of social security benefits, including the JobSeeker Payment, the Youth Allowance, the Parenting Payment, the Disability Support Pension and the Remote Area Allowance, remains insufficient to ensure an adequate standard of living for beneficiaries and their families, with a significant proportion of beneficiaries remaining below the poverty line (art. 9).

**31. The Committee recommends that the State party increase the level of social security benefits and regularly review and adjust payment rates in line with the cost of living, with a view to ensuring an adequate standard of living.**

32. The Committee recalls the findings of the Royal Commission into the Robodebt Scheme and remains concerned about the adverse impact of automated decision-making processes in the administration of social security payments, which resulted in unlawful debt recovery and significant hardship. The Committee is also concerned about the punitive effect of the operation of the Targeted Compliance Framework, including the imposition of payment suspensions and sanctions, and reports of administrative errors resulting in wrongful

loss of payments, which may cause hardship and undermine the enjoyment of Covenant rights. The Committee welcomes the abolition of the Cashless Debit Card in 2022, which restricted a significant part of social security payments to certain uses, limiting the autonomy of beneficiaries and resulting in indirect discrimination. However, it remains concerned that similar restrictions continue to apply under the compulsory income management under part 3AA of the Social Security (Administration) Act 1999, including in the Northern Territory, which may have a disproportionate and punitive effect on persons receiving social security benefits, in particular Aboriginal and Torres Strait Islander peoples. The Committee is further concerned about provisions introduced by the Social Security and Other Legislation Amendment (Technical Changes No. 2) Act 2025, permitting the suspension or cancellation of social security payments in circumstances where a person is subject to an outstanding arrest warrant for a serious offence, which may in certain cases have a disproportionate impact. While noting recent reforms aimed at improving access to the Disability Support Pension, the Committee remains concerned about persistent barriers, including narrow eligibility criteria and disparities in the availability of social security services in remote areas (art. 9).

**33. The Committee recommends that the State Party:**

**(a) Adopt a comprehensive framework regulating automated decision-making in public administration to ensure that decisions concerning social security benefits comply fully with the principles of legality, transparency, due process and effective remedy;**

**(b) Review the Targeted Compliance Framework with a view to ensuring that it is proportionate, non-punitive and responsive to individual circumstances, and that it does not result in undue hardship;**

**(c) Review the compulsory income management measures under part 3AA of the Social Security (Administration) Act 1999 to ensure that they are non-discriminatory, proportionate and consistent with the Covenant;**

**(d) Ensure that any limitations or suspensions of social security payments comply strictly with article 4 of the Covenant;**

**(e) Further simplify and improve access to the Disability Support Pension and strengthen outreach and service delivery in remote territories, paying special regard to the needs of Aboriginal and Torres Strait Islander peoples.**

**Protection of the family and children**

34. The Committee welcomes the adoption of the Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Act 2023, which expands and increases flexibility in paid parental leave entitlements. The Committee also notes measures aimed at improving access to early childhood education and care, including reforms to the Child Care Subsidy. However, the Committee remains concerned about the persistent and worsening overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care, as reflected in the 2025 annual data compilation report on closing the gap. The Committee is further concerned about continuing disparities in access to affordable and culturally appropriate early childhood education and care services, particularly in remote areas. The Committee is concerned that the minimum age of criminal responsibility remains set at 10 years in most jurisdictions and that this may disproportionately affect Aboriginal and Torres Strait Islander children (art. 10).

**35. The Committee recommends that the State Party:**

**(a) Intensify efforts to address the root causes of the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care, including through culturally appropriate family support services, community-led prevention strategies and full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle;**

(b) **Ensure that child protection and early childhood policies are developed and implemented in close consultation with Aboriginal and Torres Strait Islander peoples and are aligned with the National Agreement on Closing the Gap;**

(c) **Strengthen support for families, including through accessible, affordable and high-quality early childhood education and care services, ensuring equitable access across all states and territories, particularly in remote areas and disadvantaged groups;**

(d) **The Committee recommends that the State Party review the minimum age of criminal responsibility with a view to raising it, taking into account international human rights standards and the best interests of the child, and ensure that responses to children in conflict with the law are primarily rehabilitative and community-based.**

### **Poverty**

36. The Committee is concerned that a significant proportion of children live below the poverty line in the State Party, and that poverty also disproportionately affects Aboriginal and Torres Strait Islander peoples and persons with disabilities. The Committee is also concerned about growing food insecurity among low-income households, particularly single-parent households, which may undermine the enjoyment of the right to an adequate standard of living. The Committee is further concerned about the absence of an official nationwide poverty indicator and a comprehensive national poverty reduction strategy, which may hinder the systematic identification and addressing of structural and systemic causes of poverty (art. 11).

37. **The Committee recommends that the State Party adopt a comprehensive national poverty reduction strategy, developed through broad consultation, that includes explicit definitions, measurable targets and time-bound benchmarks. The strategy should identify and address the structural and systemic causes of poverty and food insecurity, particularly for children, persons with disabilities, Aboriginal and Torres Strait Islander peoples and single-parent households. The Committee further recommends that the State Party ensure that social security and income support payments provide an adequate standard of living and progressively increase the level of support available to children, young people and families in order to effectively reduce poverty and strengthen food security.**

### **Right to adequate housing**

38. The Committee acknowledges the adoption of the Housing Australia Future Fund Act 2023, which establishes a dedicated long-term funding mechanism to support the construction of social and affordable housing, as well as the development of the national housing and homelessness plan. However, the Committee remains concerned about the persistent shortage of affordable housing and the insufficient availability of social housing, which result in long waiting lists and increased homelessness. The Committee is further concerned that, despite recent increases, the level of Commonwealth Rent Assistance remains insufficient to ensure that low-income households can afford adequate housing in the context of rising rental costs. The Committee is particularly concerned about overcrowding and inadequate housing conditions affecting Aboriginal and Torres Strait Islander peoples, especially in remote communities. The Committee further notes that the national housing and homelessness plan and related federal housing legislation do not explicitly recognize the right to adequate housing as defined under the Covenant (art. 11).

39. **The Committee recommends that the State Party:**

(a) **Adopt a human-rights based national housing strategy and include the right to adequate housing in the national housing and homelessness plan;**

(b) **Expand investment in social housing and ensure its long-term availability, including by regulating sales and conversions of social housing stock;**

(c) **Strengthen rent regulation, enhance tenant protections and prevent excessive rent increases in both the public and the private housing sectors;**

(d) **Increase Commonwealth Rent Assistance and regularly review and adjust its level in line with rental costs to ensure access to adequate housing for low-income households;**

(e) **Ensure access to adequate housing for disadvantaged groups and ensure that Aboriginal and Torres Strait Islander peoples are afforded adequate and culturally appropriate accommodation;**

(f) **Prevent speculative use of housing by public and private housing sectors and require housing investors to uphold human rights standards;**

(g) **Take into account the Committee's general comment No. 4 (1991) on the right to adequate housing.**

#### **Right to food**

40. The Committee is concerned about the high prevalence of obesity, particularly among Aboriginal and Torres Strait Islander peoples, in low-income households and among children (art. 11).

41. **The Committee recommends that the State Party intensify efforts to combat obesity, particularly in remote and disadvantaged communities, including by promoting access to healthy diets, regulating the marketing of unhealthy foods and beverages and strengthening preventive public health programmes, in line with general comment No. 12 (1999) on the right to adequate food.**

#### **Right to physical and mental health**

42. The Committee welcomes the State Party's universal healthcare system, including Medicare, as well as the National Preventive Health Strategy 2021–2030 and the National Aboriginal and Torres Strait Islander Health Plan 2021–2031. However, the Committee remains concerned about persistent inequalities in access to healthcare between the public and private sectors and across regions, including long waiting times and shortages of health professionals in remote and rural areas. The Committee is particularly concerned that the National Agreement on Closing the Gap targets relating to life expectancy are improving but not on track and that progress towards a sustained reduction in suicide rates (target 14) is worsening, with the poorest outcomes recorded in remote and very remote areas, particularly affecting Aboriginal and Torres Strait Islander peoples. The Committee is further concerned that, despite efforts under the National Mental Health and Suicide Prevention Agreement (2022–2026), suicide remains one of the leading causes of death among young people in Australia. While noting the evidence presented by the State Party of significant investment made by the Government into the stepped care continuum of the mental health system, the Committee is further concerned about persistent barriers to accessing community-based mental health services, including significant workforce shortages, and persistent gaps in psychosocial support in the implementation of the National Disability Insurance Scheme (art. 12).

43. **The Committee recommends that the State Party:**

(a) **Guarantee equal and affordable access to healthcare for all persons, including migrants, refugees and asylum-seekers, regardless of migration status, and ensure the availability of interpretation services where needed;**

(b) **Address regional disparities and waiting times by strengthening the recruitment and retention of qualified health professionals, particularly in remote areas, and ensuring adequate funding for community-based and culturally appropriate care;**

(c) **Intensify targeted measures to improve the physical and mental health of children, adolescents, and Aboriginal and Torres Strait Islander peoples, including by improving life expectancy and reducing suicide rates within the framework of the National Agreement on Closing the Gap;**

(d) **Strengthen community-based mental health services and address service gaps arising from the transition to the National Disability Insurance Scheme;**

(e) **Take into account the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.**

44. The Committee welcomes the State Party's harm reduction approach to drug policy, including attention given to local populations' needs. However, it is concerned about the limited number of supervised injecting facilities, operating in only two states; regional disparities in effective access to opioid substitution therapies and essential medicines across the territory; and the persistence of criminal penalties for minor drug-related offences (art. 12).

**45. The Committee recommends that the State Party adopt, under its drug policies, the measures necessary to maintain and strengthen a human rights-based approach, carrying out prevention and awareness-raising activities on the serious health risks associated with drug use, particularly among adolescents and young people; guarantee universal access to treatment for substance use disorders, providing health services, psychological support, rehabilitation services and harm reduction programmes for persons who use substances; and ensure that healthcare services for Indigenous persons who use psychoactive substances are ethnically, culturally and linguistically appropriate.**

#### **Environment and right to health**

46. The Committee notes the establishment of the trilateral security partnership among Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, including arrangements relating to nuclear-powered submarines. The Committee takes note of the State Party's assurances regarding compliance with international safeguards and its non-proliferation obligations and the existence of environmental and nuclear stewardship frameworks. However, the Committee remains concerned about potential environmental and public health risks associated with the development, operation and long-term management of nuclear-powered submarine capabilities, including the handling, storage and disposal of radioactive materials (art. 12).

**47. The Committee recommends that the State Party conduct and publish comprehensive and independent environmental and human rights impact assessments of arrangements related to the trilateral security partnership, including any potential extraterritorial impacts; ensure meaningful, prior and sustained consultation with affected communities, including Aboriginal and Torres Strait Islander peoples and Pacific island States; guarantee timely and transparent access to information concerning environmental and health safeguards; ensure full compliance with its international non-proliferation and environmental protection obligations; establish accessible and effective remedies, including mechanisms for environmental remediation and compensation in the event of harm; and integrate economic, social and cultural rights safeguards into defence and security agreements.**

#### **Right to education**

48. The Committee welcomes the Better and Fairer Schools Agreement – Full and Fair Funding 2025–2034 and the provisions for loadings that provide additional funding for student priority cohorts and disadvantaged schools. However, the Committee remains concerned that disparities in school funding and outcomes between different schools and regions remain, contributing to persistent educational disparities affecting Aboriginal and Torres Strait Islander students. It is further concerned that the National Agreement on Closing the Gap targets relating to school attendance and youth engagement (education, employment or training) are not on track and that progress in student learning outcomes and tertiary qualification attainment for Aboriginal and Torres Strait Islander peoples remains insufficient. The Committee notes the current development of a nationally consistent anti-bullying standard following recent Senate inquiry into the issue of bullying and violence in schools. However, the Committee remains concerned about persistent reports of bullying and unsafe school environments, including situations affecting LGBTIQI+ students, Aboriginal and Torres Strait Islander students and children with disabilities (arts. 13 and 14).

**49. The Committee recommends that the State Party:**

(a) **Strengthen the implementation of the Better and Fairer Schools Agreement – Full and Fair Funding 2025–2034, including by ensuring that funding allocations effectively address educational disadvantage and reduce disparities affecting Aboriginal and Torres Strait Islander students and other disadvantaged groups;**

(b) **Adopt targeted and culturally appropriate measures to improve school attendance, learning outcomes, youth engagement and tertiary attainment among Aboriginal and Torres Strait Islander peoples, in close consultation with affected communities;**

(c) **Address socioeconomic and regional disparities in educational outcomes, including through equitable resource allocation and support for schools in remote and low-income areas;**

(d) **Take effective measures to ensure the protection of all children from bullying, including cyberbullying, and violence in schools and strengthen efforts to prevent those phenomena and promote understanding and tolerance, including through the adoption of a nationally consistent anti-bullying standard;**

(e) **Take into account the Committee’s general comment No. 13 (1999) on the right to education.**

#### **Inclusive education**

50. The Committee reiterates its previous concern that, while all states and territories have adopted policies supporting inclusive education, a significant number of children with disabilities continue to be educated in special schools<sup>15</sup> or segregated settings. The Committee is concerned that, in practice, children with disabilities, including those with cognitive impairments, may not fully enjoy their right to inclusive education on an equal basis with others (arts. 2, 13 and 14).

51. **The Committee reiterates its previous recommendation in this area<sup>16</sup> and recommends that the State Party ensure inclusive education for children with disabilities at all levels by providing reasonable adjustments, investing in accessible infrastructure and assistive technologies and strengthening teacher training in inclusive pedagogy. The Committee further recommends that the State Party take effective steps to progressively reduce reliance on segregated educational settings and ensure that children with disabilities can access inclusive mainstream education.**

#### **Indigenous languages**

52. The Committee welcomes the State Party’s engagement in relation to the International Decade of Indigenous Languages (2022–2032) and the development of a national action plan in this regard. However, the Committee remains concerned that, of the approximately 250 Aboriginal and Torres Strait Islander languages spoken prior to colonization, only around 120 to 150 remain in use today, many of which are critically endangered. The Committee is further concerned about the insufficient availability of qualified teachers with Indigenous language skills and the limited provision of bilingual and culturally appropriate education programmes in some regions (arts. 13–15).

53. **The Committee reiterates its previous recommendation in this area<sup>17</sup> and recommends that the State Party intensify efforts to preserve, revitalize and promote Aboriginal and Torres Strait Islander languages, including by strengthening bilingual education programmes and integrating Indigenous languages into school curricula where appropriate. The Committee further recommends that the State Party address shortages of qualified Indigenous language teachers through targeted recruitment,**

<sup>15</sup> E/C.12/AUS/CO/5, para. 55.

<sup>16</sup> Ibid., para. 56.

<sup>17</sup> Ibid., para. 58.

**retention and professional development policies, and ensure equitable distribution of skilled educators across regions and communities.**

### **Cultural rights**

54. The Committee is concerned about disparities in public cultural funding, which may disproportionately favour large institutions in major urban centres over small-scale and community-based cultural initiatives, including those in regional and remote areas. The Committee is further concerned about the adequacy of legal and institutional frameworks for the protection of Aboriginal and Torres Strait Islander cultural heritage, particularly in the light of the destruction of the Juukan Gorge site in 2020, which revealed shortcomings in heritage protection mechanisms and consultation processes (art. 15).

**55. The Committee recommends that the State Party:**

(a) **Intensify measures to remove economic and geographical barriers to participation in cultural life, including by expanding support for community-based cultural programmes, particularly in regional and remote areas;**

(b) **Ensure the equitable distribution of public cultural funding across all regions and communities, paying particular attention to Aboriginal and Torres Strait Islander peoples;**

(c) **Strengthen legislative and institutional frameworks for the protection of Indigenous cultural heritage, including sacred sites and cultural objects, and ensure that effective safeguards are in place to prevent irreparable harm;**

(d) **Guarantee the meaningful consultation and participation of Aboriginal and Torres Strait Islander peoples in decisions affecting their cultural heritage and cultural development;**

(e) **Develop and maintain accessible cultural infrastructure, including libraries, museums and community arts centres, particularly in underserved areas and for persons with disabilities;**

(f) **Take into account the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

### **Right to enjoy the benefits of scientific progress and its applications**

56. The Committee is concerned about the persistent underrepresentation of women and members of disadvantaged and marginalized groups, including Aboriginal and Torres Strait Islander peoples, migrants and persons with disabilities, in science, technology, engineering and mathematics education, research and leadership positions. The Committee is further concerned about continuing digital divides affecting remote and low-income communities and barriers to access to digital technologies for persons with disabilities, which may limit equal access to the benefits of scientific progress.

**57. The Committee recommends that the State Party:**

(a) **Adopt targeted and sustained measures, including incentives and other appropriate temporary special measures, to increase the participation of women and disadvantaged and marginalized groups in science, technology, engineering and mathematics education, research careers and leadership positions;**

(b) **Address the digital divide by ensuring universal and affordable access to high-speed Internet, assistive digital technologies and digital literacy training, particularly in remote and disadvantaged communities;**

(c) **Ensure that digital infrastructure and technologies are accessible to persons with disabilities in accordance with universal design principles.**

## D. Other recommendations

58. The Committee encourages the State Party to accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

59. The Committee recommends that the State Party consider acceding to the core human rights instruments to which it is not yet a Party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

60. The Committee also recommends that the State Party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State Party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State Party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State Party's attention to its statement on the pledge to leave no one behind.<sup>18</sup>

61. The Committee further recommends that the State Party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State Party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State Party to, *inter alia*, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.<sup>19</sup>

62. The Committee requests that the State Party disseminate the present concluding observations widely at all levels of society, including at the commonwealth, state and territory levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State Party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State Party to continue engaging with the Australian Human Rights Commission, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

63. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State Party is requested to provide, within 24 months of the adoption of the present concluding observations (28 February 2028), information on the implementation of the recommendations contained in paragraphs 13 (c) (business and human rights), 37 (poverty) and 39 (a) (right to adequate housing) above.

64. The Committee requests the State Party to submit its seventh periodic report in accordance with article 16 of the Covenant by 25 February 2031, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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<sup>18</sup> E/C.12/2019/1.

<sup>19</sup> HRI/MC/2008/3.