



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
31 December 2025

Original: English
English, French and Spanish only

Committee against Torture

List of issues prior to submission of the seventh periodic report of Australia*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

1. In its previous concluding observations,¹ the Committee requested the State party to provide information on the follow-up to the Committee's recommendations on mandatory immigration detention, including of children; conditions of detention; and juvenile justice (paras. 28, 32 and 38, respectively). Noting that replies concerning the information sought by the Committee were provided on 13 May 2024,² and with reference to the letter dated 10 December 2024 from the Committee's Rapporteur for follow-up to concluding observations,³ the Committee considers that the recommendations included in paragraph 32 and 38 of the previous concluding observations have been partially implemented and that the recommendations contained in paragraph 28 have not been implemented.

Article 2⁴

2. In the light of the Committee's previous concluding observations,⁵ and taking into account the legal responsibility of the federal Government in the implementation of the Convention, please provide information on the measures taken by the State Party to ensure coherent and consistent implementation of the Convention across all state and territory jurisdictions. Please indicate the steps taken to incorporate fully the provisions of the Convention into domestic law. Please describe the measures taken to strengthen its legislative scrutiny processes to ensure that no human rights-related bills are adopted before the conclusion of a meaningful and well-informed review of their compatibility with the State Party's human rights obligations, including those under the Convention, and that the assessments and recommendations of the Parliamentary Joint Committee on Human Rights are systematically given due consideration by legislators. Please include specific examples

* Adopted by the Committee at its eighty-third session (10 November–28 November 2025).

¹ CAT/C/AUS/CO/6, para. 53.

² See CAT/C/AUS/FCO/6.

³ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FAUS%2F60568&Lang=en.

⁴ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁵ CAT/C/AUS/CO/6, paras. 10–13.



of how human rights-related bills have been amended in response to recommendations from the Parliamentary Joint Committee. Please also inform the Committee of the measures taken to harmonize federal, state and territory anti-torture legislation.⁶

3. With reference to the Committee's previous concluding observations,⁷ please provide information on the measures taken by the State Party to ensure that all detainees enjoy in practice all fundamental legal safeguards from the outset of their deprivation of liberty, in particular the rights: (a) to be promptly informed of the reasons for their arrest, the nature of the charges against them and their rights, both orally and in writing, in a clear and easily understandable way and in a language that they understand;⁸ (b) to have ready access to an independent lawyer of their choice without delay and in full confidentiality, or to free and adequate legal aid for those who do not have sufficient means to pay for legal representation, including children;⁹ (c) to notify a relative or any other person of their choice of their detention and whereabouts; (d) to request and receive a confidential medical examination by an independent doctor free of charge, or to pay to be seen by a medical doctor of their choice, and to have their medical record immediately brought to the attention of a prosecutor whenever the findings may indicate torture or ill-treatment;¹⁰ (e) to ensure that the maximum duration of police custody does not exceed 48 hours in all state and territory jurisdictions¹¹ and is renewable only once in exceptional circumstances, duly demonstrated by tangible evidence; and (f) to challenge the legality of their detention at any stage of the proceedings. Please indicate the control measures taken, including disciplinary sanctions, to ensure that law enforcement or other officials respect, in practice, from the moment of deprivation of liberty, all fundamental legal safeguards of detained persons. Please inform the Committee of the percentage of places of deprivation of liberty and of interrogation rooms that include a video monitoring system, as well as the efforts undertaken to include them in all such places.

4. Bearing in mind the Committee's previous concluding observations¹², please provide information on the measures taken to amend legislation to explicitly include a reference to the Convention in the definition of human rights enshrined in the Australian Human Rights Commission Act 1986, in order to provide that Commission with explicit statutory powers to monitor the implementation of the State Party's obligations under the Convention. Please indicate the measures taken to ensure that sufficient human, technical and financial resources are allocated to the Commission to enable it to discharge its mandate effectively and with full independence, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹³ Please describe the steps taken to give the weight necessary to the conclusions of the Commission on individual complaints, including by communicating such conclusions to the public prosecutor offices where torture or ill-treatment is found to have occurred. Please provide updated information, including statistical data, disaggregated by year and by the age group (minor or adult), sex and ethnic or national origin and nationality of the victim, on the complaints examined by the Commission in relation to alleged torture or ill-treatment, and specify how many such cases have been submitted to the competent authorities for prosecution, including the details of such cases.

5. Further to the Committee's previous concluding observations,¹⁴ please provide updated information on the measures taken to prevent and combat all forms of violence against women, in particular indigenous women and girls and women and girls with disabilities, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention.

⁶ [CCPR/C/AUS/QPR/7](#), paras. 1 and 2; and [CEDAW/C/AUS/QPR/9](#), para. 4.

⁷ [CAT/C/AUS/CO/6](#), paras. 12 and 13.

⁸ [CAT/OP/AUS/ROSP/1](#), paras. 44 and 45.

⁹ *Ibid.*, paras. 46 and 47.

¹⁰ *Ibid.* paras. 48 and 49.

¹¹ *Ibid.*, paras. 42 and 43, noting that in the Northern Territory, police may continue to hold a person without charge for a "reasonable period".

¹² [CAT/C/AUS/CO/6](#), paras. 17 and 18.

¹³ [CCPR/C/AUS/QPR/7](#), para. 4; and [CEDAW/C/AUS/QPR/9](#), para. 6.

¹⁴ [CAT/C/AUS/CO/6](#), paras. 21 and 22.

In particular, please indicate the steps taken to strengthen capacity-building activities for law enforcement officers and members of the judiciary on gender-sensitive responses to domestic violence. Please describe the measures taken to encourage reporting of incidents of gender-based violence, including through awareness-raising campaigns on reporting mechanisms and remedies available. Please provide updated information, including statistical data for all jurisdictions, disaggregated by the age, ethnic or national origin and nationality of the victim, on the number of complaints of gender-based violence, on the investigations and prosecutions and the convictions and sentences imposed on perpetrators, and on any redress provided to victims. Please report on the measures taken to ensure the sufficient and even geographic repartition of safe and adequately funded shelters for survivors of gender-based violence throughout the territory of the State Party. Please inform the Committee of the implementation status of the National Plan to End Violence against Women and Children (2022–2032) and the mechanisms in place to monitor its impact.¹⁵

6. In the light of the Committee's previous concluding observations,¹⁶ please provide information on measures taken to combat internal and external trafficking in persons for forced labour and sexual and other forms of exploitation. In particular, please indicate the steps taken: (a) to enforce the existing legislative framework, in particular the Modern Slavery Act 2018 and Divisions 270 and 271 of the Criminal Code Act 1995; (b) to ensure that all victims of trafficking, irrespective of their ability or willingness to cooperate with prosecuting authorities, have access to adequate redress; and (c) to ensure the early identification and referral of victims of trafficking to appropriate social and legal services.¹⁷ Please provide updated information, including statistical data, disaggregated by the age, sex, ethnic or national origin and nationality of the victim, on the complaints received, the investigations and prosecutions carried out, the convictions handed down, the sentences imposed and any redress provided to victims in cases of trafficking in persons during the period under consideration.

Article 3

7. With reference to the Committee's previous concluding observations,¹⁸ please provide updated information on the measures taken to ensure, in practice, that no person is returned to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. In particular, please describe the measures taken to put an end to the policy and practices of intercepting at sea, detaining and turning back asylum-seekers and other persons in need of international protection who attempt to arrive or arrive in the State Party, and to ensure that they have access to fair and efficient asylum procedures and non-refoulement determinations within the territory of the State Party, regardless of their mode of arrival. Please detail the steps taken, including measures to review the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014, to ensure that all asylum-seekers, particularly those subjected to "on water" assessments of their international protection needs at sea, are afforded procedural safeguards, including access to independent, qualified and free-of-charge legal assistance and interpretation services, at all stages of the asylum procedure and a genuine opportunity to effectively challenge any adverse decisions concerning their claims.¹⁹ Please inform the Committee of the measures taken to amend section 197C (1) and (2) of the Migration Act 1958 to introduce a legal obligation to ensure that the removal of an individual is always consistent with the State Party's non-refoulement obligations. Please indicate whether any independent oversight mechanisms are in place to monitor compliance with international human rights and refugee law, in particular the principle of non-refoulement and the prohibition of collective expulsion, in the processing of intercepted persons' asylum claims.²⁰ Please report on the steps taken to repeal the provisions of section 197D of the Migration Act that enable the Minister for Home Affairs to determine, at any time, that a refugee is no longer

¹⁵ CCPR/C/AUS/QPR/7, para. 8; and CEDAW/C/AUS/QPR/9, para. 9.

¹⁶ CAT/C/AUS/CO/6, paras. 23 and 24.

¹⁷ CEDAW/C/AUS/QPR/9, para. 12.

¹⁸ CAT/C/AUS/CO/6, paras. 25 and 26.

¹⁹ CCPR/C/AUS/QPR/7, para. 13; and CEDAW/C/AUS/QPR/9, para. 22.

²⁰ CCPR/C/AUS/QPR/7, para. 13.

entitled to international protection. Please indicate the measures taken to incorporate fully into domestic law the provisions of the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Please clarify whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please specify whether such an appeal has suspensive effect. Please provide detailed information on the plans and procedures in place to identify and immediately refer vulnerable asylum-seekers, including victims of torture, trafficking in persons and gender-based violence, as well as unaccompanied minors or children separated from their families and persons with disabilities, to the appropriate services and to ensure that their specific needs are taken into consideration and addressed in a timely manner.

8. Please provide updated data, disaggregated by the year, sex, country of origin or nationality and age group (minor or adult) of persons seeking asylum, on the number of: (a) asylum applications received during the period under review; (b) successful applications for asylum, refugee status or other forms of humanitarian protection, specifying how many applications were accepted on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled; (c) appeals against decisions regarding expulsion; (d) successful appeals, specifying the number of decisions regarding return or expulsion, as applicable, that were reviewed on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled; and (e) persons extradited, expelled or returned, the grounds on which they were sent back and the countries to which they were returned. Please indicate the number of returns, extraditions and expulsions carried out by the State Party during the reporting period on the basis of diplomatic assurances or the equivalent thereof, and specify what content the State Party requires any such assurances or guarantees to have and what measures have been taken in such cases with regard to subsequent monitoring. Please also indicate any instances where the State Party has offered such diplomatic assurances or guarantees and the measures taken in such cases with regard to subsequent monitoring. Please provide updated information on the measures taken to implement the Committee's decision under article 22 of the Convention in the case of *S.L. v. Australia*.²¹

Articles 5–9

9. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please indicate what measures have been taken by the State Party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide updated information on cases in which the State Party has agreed to extradite a person for torture or related offences. Please also indicate whether the State Party has rejected, for any reason, the request of a third State for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such individual as a result. If so, please provide information on the status and outcome of such proceedings. Please also inform the Committee of any extradition treaties concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in those treaties. Please give details of any treaties or agreements on mutual judicial assistance that the State Party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

Article 10

10. Bearing in mind the Committee's previous concluding observations,²² please provide up-to-date information on any new educational and training programmes developed by the State Party to ensure that all law enforcement officials, prison staff, immigration and border control officers, members of the military and intelligence agencies and personnel of private companies running offshore immigration detention centres are fully acquainted with the provisions of the Convention and the absolute prohibition of torture and are made aware that

²¹ CAT/C/75/D/964/2019.

²² CAT/C/AUS/CO/6, paras. 51 and 52.

breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that offenders will be prosecuted. Please indicate whether these training courses are mandatory or optional, how often they are conducted, how many law enforcement officials, prison staff, members of the military and immigration and border control officers have already completed them, what percentage of all such officials have completed them and what measures have been taken to train the remaining officials. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please further indicate whether the State Party has developed any methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide detailed information on that methodology. Please provide information on the programmes aimed at training judges, prosecutors, forensic doctors and other medical personnel who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, ensure the effective documentation of torture and verify the admissibility of confessions. Please indicate whether these programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. Lastly, please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention.

Article 11

11. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices, or arrangements for custody, that may have been introduced since the consideration of the sixth periodic report. Please indicate the frequency with which these rules, instructions, methods, practices or arrangements are reviewed and report on the procedures in place for reviewing them.

12. In the light of the Committee's previous concluding observations,²³ please provide, for the period under review, annual statistics on the total capacity of all detention facilities and their occupancy rates, disaggregated by place of detention. Please indicate the number of remand and convicted prisoners at each facility, disaggregated by the sex, age, ethnic or national origin and nationality of the detainee. Please provide information on the steps taken to address the overuse of pretrial detention, including for drug-related offences. In particular, please describe the efforts undertaken to ensure that the regulations governing pretrial detention are scrupulously respected and that such detention is resorted to only in exceptional circumstances, for limited periods and in accordance with the law. Please also provide statistical data for the period under consideration on the use of alternatives to pretrial detention, particularly for Aboriginal and Torres Strait Islander Peoples.²⁴

13. With reference to the Committee's previous concluding observations²⁵ and the State Party's follow-up replies,²⁶ please provide detailed information on measures taken to improve conditions of detention in penitentiary institutions and other detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, please indicate the steps taken to reduce overcrowding in places of detention, including through the use of alternatives to imprisonment both before and after trial, and to improve sanitation and the healthcare provided to detainees,²⁷ including psychiatric care for prisoners with intellectual or psychosocial disabilities.²⁸ Please inform the Committee of the measures adopted to remedy the lack of recreational, educational and vocational activities to foster rehabilitation of detainees. Please report on the steps taken to ensure that means of restraint, including handcuffs, belt tethers and shackles, which are reportedly used as a matter of routine, are subject to strict regulation and used for the shortest

²³ Ibid., paras. 15 and 16.

²⁴ CAT/OP/AUS/ROSP/1, paras. 33 and 34; and CCPR/C/AUS/QPR/7, para. 16.

²⁵ CAT/C/AUS/CO/6, paras. 31 and 32.

²⁶ CAT/C/AUS/FCO/6, paras. 17–31 and 50–55. See also the letter dated 10 December 2024 from the Rapporteur for follow-up to concluding observations.

²⁷ CAT/OP/AUS/ROSP/1, para. 75.

²⁸ CCPR/C/AUS/QPR/7, para. 16; and CAT/OP/AUS/ROSP/1, paras. 62, 63 and 84–87.

time possible and only when strictly necessary and proportionate, and with continued monitoring of the person under restraint. Please provide information on the measures taken to end the use of spit hoods, spit guards and all similar equipment, as well as electrical discharge weapons (tasers) and chemical agents in all places of deprivation of liberty across all jurisdictions.²⁹ Please comment on reports of the continued use of prolonged and indefinite solitary confinement, which disproportionately affects Indigenous Peoples and inmates with intellectual or psychosocial disabilities. In this regard, please provide details on the State Party's legislation and practice on solitary confinement and indicate its maximum and average duration, in both federal and state and territory correctional facilities. Please specify whether solitary confinement and other isolation regimes are subject to any independent oversight mechanism.³⁰ Please indicate the measures taken to ensure that strip-searches of prisoners are not performed routinely and are conducted in private and in a manner that respects the inmate's dignity by appropriately trained staff members of the same sex as the inmate.³¹

14. Further to the Committee's previous concluding observations³² and the State Party's follow-up replies,³³ please indicate the measures taken to repeal the provisions of the Migration Act establishing the mandatory detention of persons entering the State Party's territory irregularly, including children. Please provide information on the steps taken to ensure that the detention of asylum-seekers and migrants in an irregular situation is used only as a last resort, where it is justified as reasonable, necessary and proportionate and for as short a period as possible, and to implement alternatives to closed immigration detention in practice. In this regard, please include statistical data for the reporting period, disaggregated by year, sex, age, ethnic or national origin and nationality, on the number of asylum-seekers and migrants in detention, the average time of detention and the use of alternatives to detention. Please specify whether statutory time limits for immigration detention have been established and whether an effective judicial remedy is available to review the continued necessity, reasonableness and proportionality of detention to a legitimate aim. Please provide information on measures taken to ensure that children and families with children are not detained solely because of their immigration status. Please describe the steps taken to improve the living conditions and address overcrowding in immigration detention facilities, particularly in offshore detention centres, such as in Nauru,³⁴ and report on efforts to guarantee access to adequate mental and physical health, social and education services.³⁵ Please report on the procedures in place to identify victims of torture to ensure that such individuals are not detained within the context of asylum procedures. Please indicate the steps taken to introduce independent processes, both when a decision is taken to detain and during detention, to identify people who may face a particular risk of harm as a consequence of their detention.

15. Bearing in mind the Committee's previous concluding observations,³⁶ please provide information on the measures taken to investigate all allegations of human rights violations, including excessive use of force, physical, sexual or verbal abuse and other forms of ill-treatment, as well as suspicious deaths, involving migrants and asylum-seekers detained

²⁹ CAT/OP/AUS/ROSP/1, paras. 29–32, 68 and 69.

³⁰ Ibid., paras. 60–61 and 80–83.

³¹ Ibid., paras. 58 and 59.

³² CAT/C/AUS/CO/6, paras. 27 and 28.

³³ CAT/C/AUS/FCO/6, paras. 5–16. See also the letter dated 10 December 2024 from the Rapporteur for follow-up to concluding observations.

³⁴ CAT/C/AUS/CO/6, paras. 29, reiterating the Committee's view that all persons under the effective control of the State party, because they were transferred by the State party to centres run with its financial aid and with the involvement of private contractors of its choice, enjoy the same protection from torture and ill-treatment under the Convention. See also Human Rights Committee, *M.I. et al. v. Australia*, CCPR/C/142/D/2749/2016, and *Nabhari v. Australia*, CCPR/C/142/D/3663/2019. See also Office of the United Nations High Commissioner for Human Rights (OHCHR), "Australia responsible for arbitrary detention of asylum seekers in offshore facilities, UN Human Rights Committee finds", press release, 9 January 2025.

³⁵ CCPR/C/AUS/QPR/7, paras. 14 and 15; CAT/OP/AUS/ROSP/1, paras. 35, 37, 38 and 110–113; and CEDAW/C/AUS/QPR/9, para. 22.

³⁶ CAT/C/AUS/CO/6, paras. 29 and 30.

in offshore detention facilities, prosecute the alleged perpetrators, punish them appropriately if convicted and provide full redress to the victims. Please inform the Committee of the steps taken to ensure regular and independent monitoring of these facilities. Please indicate whether the State Party envisages ending its policy of offshore processing of asylum claims, including by repealing all provisions relating to “regional processing” of asylum claims and “third country reception arrangements” under the Migration Act, transferring all migrants and asylum-seekers from immigration detention centres in Nauru and Christmas Island to mainland Australia and processing any remaining asylum claims while guaranteeing all procedural safeguards.³⁷ Please comment on reports indicating that, years after having been recognized as refugees, children and adults have yet to be resettled, with some remaining in detention and facing ongoing uncertainty about their future.³⁸

16. With reference to the Committee’s previous concluding observations,³⁹ please provide information on further steps taken to tackle the overrepresentation of Indigenous Peoples in the prison population, including efforts to address its underlying causes,⁴⁰ review legislation and policies leading directly or indirectly to their disproportionately high rates of incarceration, and enhance the use of non-custodial measures and diverting programmes.⁴¹ Please inform the Committee of the progress achieved in meeting the targets and commitments set out in the National Agreement on Closing the Gap (2019–2029), which seek to address the overrepresentation of First Nations Australians in places of detention, as well as the recommendations, made in 2018, of the Australian Law Reform Commission’s inquiry into the incarceration of Aboriginal and Torres Strait Islander peoples.⁴² Please specify the steps taken to ensure that adequate, culturally appropriate, qualified and accessible legal services are available to Indigenous Peoples. Please provide updated statistical data, for the period under review, disaggregated by type of offence and the age and sex of the detainee, on the number of Indigenous Peoples in the prison population and on the corresponding sentences imposed.⁴³

17. In the light of the Committee’s previous concluding observations,⁴⁴ please provide data regarding deaths in custody during the period under consideration, disaggregated by year, place of detention, the sex, age, ethnic or national origin and nationality of the deceased, and the cause of death. Please provide detailed information on the number and outcome of investigations conducted in such cases, specifying whether forensic medical assessments, including autopsies, were performed, and on the number of deaths suspected of having been caused by assaults committed or tolerated by public officials, involving the excessive use of force or failure to provide detainees with needed medical attention and timely treatment.⁴⁵ Please also provide information on the number of sentences pronounced, the criminal and disciplinary penalties imposed and the steps taken to prevent the recurrence of such acts. Please indicate whether the relatives of the deceased persons received compensation in any such cases. Please provide information on the status of implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. Please describe the steps taken to reduce the incidence of inter-prisoner violence in penitentiary institutions, including efforts to recruit and train a sufficient number of prison personnel,⁴⁶ to investigate all incidents of violence and to ensure that prison officials are held accountable

³⁷ CCPR/C/AUS/QPR/7, para. 13.

³⁸ CCPR/C/142/D/2749/2016 and CCPR/C/142/D/3663/2019. See also “Australia responsible for arbitrary detention of asylum seekers in offshore facilities, UN Human Rights Committee finds”.

³⁹ CAT/C/AUS/CO/6, paras. 33 and 34.

⁴⁰ CAT/OP/AUS/ROSP/1, paras. 64, 67, 104 and 105; and CCPR/C/AUS/QPR/7, para. 6. See the letter adopted by the Committee on the Elimination of Racial Discrimination on 12 May 2025 under its early warning and urgent measures procedure, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/cerd/earlywarning/letters/cerd-ewuap-letter-115-australia.pdf>.

⁴¹ CCPR/C/AUS/QPR/7, para. 18; CAT/OP/AUS/ROSP/1, para. 109; and CEDAW/C/AUS/QPR/9, para. 23.

⁴² CAT/OP/AUS/ROSP/1, paras. 104 and 105.

⁴³ CCPR/C/AUS/QPR/7, para. 18.

⁴⁴ CAT/C/AUS/CO/6, paras. 35 and 36.

⁴⁵ CCPR/C/AUS/QPR/7, para. 11; and CAT/OP/AUS/ROSP/1, para. 48.

⁴⁶ CAT/OP/AUS/ROSP/1, paras. 89–91.

in cases where they failed to take reasonable measures to prevent and respond to such violence.

18. Bearing in mind the Committee's previous concluding observations⁴⁷ and the State Party's follow-up replies,⁴⁸ please provide information on the measures taken to raise the minimum age of criminal responsibility at the federal level as well as across all jurisdictions of the State Party, in accordance with international standards on juvenile justice.⁴⁹ Please update the Committee on the efforts made to ensure that detention of children is used only as a last resort and for the shortest period possible, and to promote non-judicial measures and, wherever possible, the use of alternatives to detention, both before and after trial, for children in conflict with the law.⁵⁰ Please indicate the steps taken to explicitly prohibit the use of force, including physical restraints, as a means of coercion or disciplining of children in custody⁵¹ and to promptly and thoroughly investigate all cases of abuse and ill-treatment of children deprived of their liberty and impose appropriate criminal and disciplinary penalties on the perpetrators. Please specify the measures taken to improve living conditions in detention centres for children, including with regard to access to education and health services, and to ensure that adequate rehabilitation programmes and recreational activities are offered, that the staff have received appropriate training and that regular inspections are carried out.⁵² Please describe the steps taken to ensure that all children in detention are separated from adults and that the practice of solitary confinement for children is banned in all youth detention centres across all jurisdictions.⁵³ Please indicate the additional measures adopted to reduce the incarceration rate of indigenous children and to address the long-term adverse effects of detention on their safety, well-being and educational and life prospects, including efforts to prevent and respond to instances of physical and verbal abuse or other forms of ill-treatment during their detention.⁵⁴ In particular, please provide information on the measures taken to implement the recommendations of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, as well as those contained in the report of the National Children's Commissioner on transforming the youth justice system.⁵⁵

19. In the light of the Committee's previous concluding observations,⁵⁶ please provide information on the number and living conditions of persons deprived of their liberty in psychiatric hospitals, forensic disability closed centres and other institutions for persons with psychosocial or intellectual disabilities. Please describe legislative and other measures taken to move away from the involuntary hospitalization and forced institutionalization of persons with psychosocial or intellectual disabilities and indicate whether other forms of care are being used, such as community-based rehabilitation services and outpatient care programmes. Please specify the steps taken to ensure that instruments of restraint and force are used in accordance with the law, under appropriate supervision, for the shortest time possible and only when strictly necessary and proportionate. Please indicate the measures taken to prohibit and prevent medical treatment and medical interventions, including sterilization,⁵⁷ from being imposed on persons with disabilities, particularly Aboriginal and Torres Strait Islander persons with disabilities and persons with psychosocial or intellectual disabilities, without their free, prior and informed consent. Please update the Committee on the steps taken to ensure that the imposition of solitary confinement is prohibited in the case

⁴⁷ CAT/C/AUS/CO/6, paras. 37 and 38.

⁴⁸ CAT/C/AUS/FCO/6, paras. 32–49 and 56–61. See also the letter dated 10 December 2024 from the Rapporteur for follow-up to concluding observations.

⁴⁹ CAT/OP/AUS/ROSP/1, paras. 27 and 28.

⁵⁰ CCPR/C/AUS/QPR/7, para. 22.

⁵¹ CAT/OP/AUS/ROSP/1, paras. 29–32.

⁵² Ibid., paras. 54–55, 72–73 and 99–103.

⁵³ CCPR/C/AUS/QPR/7, para. 22; and CAT/OP/AUS/ROSP/1, paras. 72 and 74.

⁵⁴ Communication AUS 4/2025 (all communications mentioned in the present document are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>). See also OHCHR, "Youth justice systems across Australia in crisis: UN experts", press release, 19 May 2025.

⁵⁵ See the letter adopted by the Committee on the Elimination of Racial Discrimination on 12 May 2025 under its early-warning and urgent measures procedure.

⁵⁶ CAT/C/AUS/CO/6, paras. 39 and 40.

⁵⁷ CCPR/C/AUS/QPR/7, para. 12.

of persons with disabilities when their conditions would be exacerbated by such measures. Please report on the measures taken to ensure that persons with intellectual or psychosocial disabilities who are considered unfit to stand trial or not guilty due to “cognitive or mental health impairment” are not detained for indefinite terms or for terms longer than those imposed in criminal convictions.⁵⁸ Please provide information on the implementation status of the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

20. With reference to the Committee’s previous concluding observations,⁵⁹ and taking into account that the extended deadline granted to the State Party for the establishment of its network of national preventive mechanisms expired on 20 January 2023,⁶⁰ please provide information of the progress made towards establishing this network across all states and territories of the State Party and ensuring that each of its member bodies has the resources and functional and operational independence necessary to fulfil its preventive mandate, including by undertaking regular, independent and unannounced visits to all places of deprivation of liberty under the State Party’s jurisdiction or effective control, and by speaking confidentially to all detained persons,⁶¹ in accordance with the Optional Protocol to the Convention and the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on national preventive mechanisms.⁶² Please inform the Committee of the efforts made to build the capacities of the Commonwealth Ombudsman in coordinating the network of national preventive mechanisms. Further to the Subcommittee’s decision to terminate its visit to Australia on 17 February 2023, owing to the State Party’s lack of cooperation,⁶³ and bearing in mind that obligations deriving from international treaties, including the Optional Protocol, apply to all parts of federal states, please indicate the steps taken to ensure that unfettered access to all places of deprivation of liberty in all jurisdictions of the State Party is granted to the Subcommittee so that it can carry out its mandate without obstruction or hindrance. Please also describe the steps taken to implement the recommendations put forward by existing monitoring bodies following their visits to detention facilities, in particular where allegations of torture or ill-treatment are raised in the reports.

Articles 12 and 13

21. Please provide information on the measures taken to ensure that all complaints of torture and ill-treatment, including excessive use of force, committed by law enforcement officers, prison staff, immigration and border control officers, military personnel and other public officials are promptly investigated in an impartial manner by an independent body and that perpetrators are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the crime committed. Please indicate the steps taken to ensure that there is no hierarchical or institutional link between investigators and suspected perpetrators of acts of torture or ill-treatment. Please also provide more detailed information regarding which authorities are competent to initiate and carry out investigations, at both the criminal and disciplinary levels, and describe how those authorities interact with the Office of the Commonwealth Director of Public Prosecutions and the Offices of the Director of Public Prosecutions at the state and territory level during investigations. In this regard, please also specify:

(a) Whether the State Party has set up a dedicated, effective and accessible system of confidential complaints that can be lodged with an independent body in all places of detention, including in police stations and watch-houses,⁶⁴ and the measures taken to protect

⁵⁸ Ibid., para. 17.

⁵⁹ CAT/C/AUS/CO/6, paras. 41–44.

⁶⁰ See CAT/C/73/3.

⁶¹ CAT/OP/AUS/ROSP/1, paras. 17–26.

⁶² CAT/OP/12/5.

⁶³ CAT/OP/AUS/ROSP/1, paras. 1, 4, 6–7 and 13–16. See also CAT/C/OP/AUS/CSPRO/1, paras. 4–9.

⁶⁴ CAT/OP/AUS/ROSP/1, paras. 52 and 53.

victims of torture and ill-treatment from any form of intimidation or reprisals that may result from the lodging of a complaint;⁶⁵

(b) Whether the Office of the Commonwealth Director of Public Prosecutions and the Offices of the Director of Public Prosecutions at the state and territory level are required to initiate an ex officio investigation wherever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed and to request that alleged victims undergo a forensic medical examination;

(c) Whether alleged perpetrators are automatically relieved of their duties while the criminal and/or disciplinary investigation is being conducted, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.

22. Please provide annual statistical data for the period under consideration, disaggregated by type of offence, by the sex, age group (minor or adult) and ethnic or national origin and nationality of the victim and by the services to which the persons accused of committing acts of torture belong, on: (a) the number of complaints received by prosecutors or other competent authorities regarding offences, such as actual or attempted acts of torture or ill-treatment or complicity, or participation or acquiescence in such acts; (b) the number of complaints that have led to criminal or disciplinary investigations and the number of cases dismissed; (c) the number of ex officio investigations opened into the above-mentioned offences; (d) the number of prosecutions carried out; and (e) the number of convictions secured, including the penal and disciplinary sanctions imposed, specifying the length of any prison sentences.⁶⁶

Article 14

23. In the light of the Committee's previous concluding observations,⁶⁷ please indicate whether the State Party has taken measures to ensure, in law and in practice, that victims of torture or ill-treatment, including excessive use of force, committed in the State Party or abroad may seek and obtain prompt, fair and adequate compensation and as full rehabilitation as possible, including in cases where the civil liability of the State Party is involved. Please provide statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or to their families during the period under review. Please include data on the number of applications for State compensation for torture and ill-treatment, the number of time-barred claims owing to the courts' inaction, the number of applications granted and the range of awards in successful cases. Please clarify whether the State Party has taken legislative and administrative measures to ensure that victims of torture and ill-treatment have access to effective remedies and can obtain redress in cases in which the perpetrators have not been identified or found guilty of an offence. Please also provide information on any ongoing rehabilitation programmes for victims of torture and ill-treatment and on the resources allocated to them.

24. Please indicate the steps taken to provide redress, including adequate compensation, measures of rehabilitation, acknowledgement of the truth, public apologies and commemoration of the victims, to the families of 39 unarmed prisoners who were tortured and summarily executed by the Australian military in 2012 during the deployment of the International Security Assistance Force in Afghanistan led by the North Atlantic Treaty Organization (NATO). Please describe any efforts undertaken by the State Party to review its regulations to ensure that they provide an enforceable right to compensation, clear and human rights-consistent criteria as to the grounds and amount of compensation, adequate due process and judicial safeguards and a requirement to provide information to or consult with the families of the victims.⁶⁸

⁶⁵ Ibid., paras. 78 and 79.

⁶⁶ CCPR/C/AUS/QPR/7, para. 11.

⁶⁷ CAT/C/AUS/CO/6, paras. 45 and 46.

⁶⁸ Communication AUS 1/2024. See also OHCHR, "Experts urge Australia to pay compensation owed to victims of war crimes in Afghanistan", press release, 7 August 2024.

Article 16

25. In the light of the Committee's previous concluding observations,⁶⁹ please indicate whether the State Party has taken the legislative measures necessary to explicitly prohibit corporal punishment in all settings, including in the home, public and private schools, detention centres and day-care and alternative care settings in all states and territories. Please specify if the State Party has taken any steps to repeal the legal defence of "reasonable chastisement". Please provide information on the measures taken to investigate cases of corporal punishment of children and to expand awareness-raising and education campaigns to promote positive, participatory and non-violent forms of discipline.

26. Further to the Committee's previous concluding observations,⁷⁰ please indicate the measures taken to ensure that the use of tasers is strictly compliant with the principles of necessity, subsidiarity, proportionality, advance warning (where feasible) and precaution and that they are used exclusively in extreme and limited situations – in which there is a real and immediate threat to life or risk of serious injury – as a substitute for lethal weapons and by trained law enforcement personnel only. Please report on the steps taken to prohibit their use on children, pregnant women and other vulnerable groups. Please describe the measures taken to investigate the causes of their disproportionate use against Indigenous Peoples and members of minority groups. Please provide information on any instances of alleged excessive use of force that have occurred as a result of using such devices, and on the outcomes of any investigations into those cases.

Other issues

27. With reference to the Committee's previous concluding observations,⁷¹ please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, in particular the Convention. Please indicate (a) what training is given to law enforcement officers in this area; (b) the number of persons who have been convicted under legislation adopted to combat terrorism; (c) the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and (d) whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was. Furthermore, please inform the Committee of the measures taken by the State Party to review its interpretation of the definition of terrorism contained in its domestic legislation and to further restrict the warrant powers provided to the Australian Security Intelligence Organisation to detain a person suspected or accused of involvement in terrorist acts for the purpose of questioning with the possibility of restricting access to a lawyer of choice. Please provide information on the steps taken to implement the recommendations made by the Independent National Security Legislation Monitor and by the Council of Australian Governments to ensure compliance of counter-terrorism legislation with international standards.⁷²

General information on other measures and developments relating to the implementation of the Convention in the State party

28. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State Party's previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate

⁶⁹ CAT/C/AUS/CO/6, paras. 47 and 48.

⁷⁰ Ibid., paras. 49 and 50.

⁷¹ Ibid., paras. 19 and 20.

⁷² CCPR/C/AUS/QPR/7, para. 9.

the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.
