



**Australian Human
Rights Commission**

*AHRC engagement with the
Committee on the Elimination of
Racial Discrimination*

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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture.

We pay our respects to their Elders – past, present and future.

Why periodic reporting matters

Periodic reporting: an important opportunity to take stock of progress in advancing human rights in country.

Features that contribute to the value of the process:

- Periodic nature of the review
- Independent expert nature of the review
- Role of the NHRI in the formal review process - accountability
- Expectation of involvement of the NHRI and NGOs in the process – values dialogue with government
- Parallel reporting by NHRI and NGOs – accountability and also opportunity to drive strategic approach to issues
- Requirement to report back in subsequent reviews on implementation

The value of the ongoing nature of the process

- The process should be viewed as an ongoing process:
 - **Before:** i) assess implementation of previous cycle and recommendations; ii) identify best practice examples; and iii) identifying emerging and continuing priority issues;
 - **During:** i) independent / objective assessment of progress; ii) dialogue about whether enough is being done, the right actions are being taken; iii) accountability for regressive actions
 - **After:** i) commitment to implementation; ii) setting in place of processes to action commitments (national action plan, national frameworks) iii) monitoring and engagement (rights trackers etc)

The distinct role of 'A status' NHRIs

Role of the national human rights institution in the process

- 'A status' NHRIs have participation rights in the process
- An 'A status' NHRI is a national human rights commission that is fully compliant with the Paris Principles on NHRIs (UN General Assembly resolution 48/134)
- The NHRI formally presents an independent perspective in the dialogue with the committee
- NHRI separately briefs the committee prior to the dialogue
- NHRI can submit information to the committee, which may differ from the perspective provided by government
- NHRI works with government and civil society – 'a bridge'

Key issues that arise in Australia

- Legal framework and guarantees against racial discrimination need strengthening – Human Rights Act, access to justice through discrimination laws
- Lack of coordinated approach to addressing racism – anti-racism framework, data collection
- First nations peoples and racism – closing the gap, land, justice system
- Asylum seeker and refugee policy – immigration detention, offshore processing, determination status processing
- Human rights education and training – inc security forces

Key issues that arise in Australia

- Issues for reporting (within 12 months):
 - AHRC funding inc for complaint handling
 - Youth justice
 - Offshore processing.
- Issues of particular importance:
 - Legal framework and guarantees against racial discrimination need strengthening – Human Rights Act, access to justice through discrimination laws
 - Lack of coordinated approach to addressing racism – anti-racism framework, data collection
 - First nations peoples and racism – closing the gap, land, justice system

The implementation challenge – Connecting the international and domestic arenas

- The reporting process to the ICERD should be a complement to domestic actions (in law, policy and practice) to address racial discrimination
- Australia has laws prohibiting racial discrimination and racial hatred
- The policy framework for actions is more limited:
 - AHRC has set out a proposed National Anti-Racism Framework to set a comprehensive plan of action in place over a ten-year period
 - AHRC has proposed a national reform agenda for human rights more generally through our Free and Equal reporting:
 - protection of human rights through a Human Rights Act;
 - need for more comprehensive national indicators on human rights;
 - human rights education
 - Reform of federal discrimination laws to improve effectiveness and access to justice
 - Enhancing the oversight and engagement of parliament on human rights

FREE+EQUAL
AN AUSTRALIAN CONVERSATION ON HUMAN RIGHTS



Free & Equal

A reform agenda for federal
discrimination laws



December 2021



The National Anti-Racism Framework:

A roadmap to eliminating
racism in Australia

November 2024



 humanrights.gov.au

- AHRC Free and equal report (left)
- AHRC The National Anti-Racism Framework (Right)

Challenges

- Delays between appearances / reporting cycles is ever increasing
 - Last 2 Australian appearances: November 2017 and August 2010
 - Next periodic report is overdue. Likely next appearance 2026 or 2027 at earliest
- There will be no updated treaty appearance to feed into Australia's UPR (January 2026) since the previous cycle in 2021
- Lengthy delays also limits 'knowledge retention' in civil society / NGOs - have to 're-learn' the process each time it occurs due to lengthy gaps

Challenges

- Absence of tracking processes and accountability domestically
- Similar issues repeat each periodic review, similarity in recommendations
- Limits in domestic frameworks gives a larger prominence to the processes at the international level: can lead to more defensive response