# AUSTRALIAN government RESPONSE

## Call for inputs in relation to General Assembly resolution 68/268

Australia takes its international human rights obligations seriously and thanks the Office of the High Commissioner for Human Rights (OHCHR) for the invitation to provide a submission to inform the Report on state of the human rights treaty body system. Australia is a strong supporter of the UN Treaty Body System and the work of agencies of the UN more broadly. Australia strongly supports the integrity and the independence of the treaty bodies and safeguarding the continued involvement of civil society and National Human Rights Institutions in the treaty body work.

Please find following Australia’s views relating to:

* the simplified reporting procedure
* treaty reporting and word limits
* report and appearance scheduling
* provision of questions before appearances
* improving the use of information technology
* special procedure mandate holder visits
* communications and questionnaires
* Independence and expertise of committee members

#### Simplified reporting procedure

Australia supports the use of the simplified reporting procedure. Australia’s 2016 ICCPR, 2018 CRPD, 2019 CAT and 2023 ICESCR reports were prepared in accordance with the simplified reporting procedure. Australia’s 2024 CEDAW report is currently being prepared under the simplified reporting procedure. Australia submitted its current common core document in October 2023.

#### Treaty reporting and word limits

Australia supports the imposition of word limits for treaty body reports. However, there can be difficulty in meaningfully responding to the number of issues raised by Committees within prescribed word limits, particularly the case where one question might address multiple issues. To resolve this, Australia supports measures to clarify or limit the number of issues presented in Lists of Issues Prior to Reporting and Lists of Issues. Consideration should be given to how realistic reporting guidelines are in the context of word limits.

Inter-linked human rights issues and varying working methods of treaty bodies presents challenges to the coherence of the treaty body system. Australia supports harmonisation and streamlining of working methods to create efficiencies and strengthen the functioning of the treaty body system.

#### Report and appearance scheduling

The Australian Government notes the development by OHCHR of a master calendar for all of the Committees. The master calendar assists States parties, national human rights institutions (NHRIs) and NGOs in engaging effectively with the treaty body system. Master calendars of State party reports and appearance dates beyond the current calendar year would further assist effective engagement. Australia supports Master calendars being publicly accessible and include UPR appearances to efficiently present information in one place.

Australia reiterates its strong support for the harmonization of working methods across all Committees. It also notes that greater coordination of scheduling will avoid duplication of reporting processes and overlap of appearances before different treaty bodies and the Human Rights Council. Advance notice of reporting deadlines and scheduled appearances provided directly to State parties would similarly facilitate better reporting by allowing for adequate time to coordinate responses with our States and Territories.

#### Provision of questions before appearances

Australia reiterates its strong support of the proposal for the provision of a list of questions to the State party delegation 24 hours prior to the appearance to avoid duplication of questions and to allow States parties the best opportunity to provide informed and specific answers.

#### Improving the use of information technology

Australia suggests that the accessibility of the OHCHR website may be improved through easier navigation between pages, a better search function and a continued focus on ensuring it is user-friendly for persons with disabilities.

Australia supports diversity of voices and inclusivity in multilateral human rights fora including in the treaty body review process. We reiterate our support for the use of video conferencing technology as a cost-effective means for enabling government experts to participate without having to travel to appearances. Australia notes that virtual or hybrid modality attendance was offered to NHRI and NGOs during Australia’s appearance before the Committee against Torture in November 2022. However, these options were not extended to Australia’s delegation’s appearance.

Australia reiterates its encouragement to the OHCHR to support hybrid arrangements to enhance the participation of all delegations, particularly SIDS, small delegations, and those countries without a presence in Geneva. Access to OHCHR regional offices video-conferencing facilities, for example, would assist strengthening such delegations participation.

#### Special Procedure Mandate Holder Visits

Australia is deeply committed to positive and constructive engagement with the UN human rights system. We maintain a standing invitation for all UN Special Rapporteurs and other Special Procedure Mandate Holders to visit. This reflects our readiness to cooperate with UN human rights mechanisms, and our commitment to independent scrutiny of our human rights record. Engagement with Special Procedures Mandate Holders is also an opportunity to share challenges and good practices, and we encourage all states to engage with special procedures in our international human rights advocacy.

Australia welcomes the opportunity to review draft end-of-mission statements and visit reports before they are published. We note that in some instances, given the limited time available to review the documents, it is challenging for Australia to coordinate a thorough fact-checked response across various federal departments, and state and territory governments. Where possible, we would be grateful for additional time in order to ensure documents can be thoroughly fact-checked before they are published.

Noting the government does not coordinate unofficial visits to Australia, we welcome early notice of planned unofficial visits as this assists with availability to meet and brief relevant officials.

#### Communications and Questionnaires

The Government responds regularly to OHCHR communications and questionnaires, reflecting our commitment to engage with the UN human rights system. We greatly appreciate extensions to response timeframes, where possible. Australia would welcome leniency by Committees to consider delayed responses noting the extensive coordination across the Government required for the preparation of responses.

The government continues to support strengthening individual communications processes. The government has previously recommended that treaty bodies consider determining the admissibility of communications before requiring a State party’s observations on the merits (‘split decisions’). It also suggested clearer timeframes for treaty bodies’ consideration of communications, limitations on the number of times parties can make additional arguments, and the need to increase efficiency and reduce delays in individual communications processes generally.

Australia welcomes progress in this regard, but remains concerned about delays in some communications processes, noting recent instances of the Australian Government receiving complainant submissions 1-2 years after they were filed.

#### Independence and expertise of Committee members

Enhancing the independence and expertise of Committee members contributes to strengthening the effective functioning of the treaty body system. Australia reiterates its support for the nomination of independent and highly qualified candidates for membership of all Committees. Australia supports that members of all Committees serve a maximum of two terms.