

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE AGAINST TORTURE 40<sup>TH</sup> SESSION AUSTRALIA, 3<sup>RD</sup> REPORT 29 AND 30 APRIL 2008

Information Submitted to the Committee .....	1
Themes and Issues .....	2
Status of the Convention in domestic law .....	3
Immigration and asylum seeker policy .....	4
Conditions in detention centres .....	6
Counter-terrorism measures .....	7
Extraterritorial matters .....	7
Violence against women .....	8
Human Trafficking .....	8
Conclusion .....	8

### Information Submitted to the Committee

On 7 April 2005, Australia submitted its 3<sup>rd</sup> periodic report<sup>1</sup> to the Committee Against Torture (the Committee) in accordance with its obligation under Article 19 of the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). Australia acceded to the Convention on 8 August 1989. The fifty-seven-page periodic report provided information on the methodology and consultative process adopted to prepare the report; the legal status of the Convention in Australia; policies adopted for the implementation of the Convention's provisions; and Australia's legal and institutional framework.

On 7 June 2007, the Committee submitted to the State Party its list of issues and questions<sup>2</sup>, which sought clarification on a range of issues, including jurisprudence; access of detained persons to legal counsel and to a doctor of their choice; the impact of new counter-terrorism legislation; the treatment of women in places of detention; rights and guarantees in immigration detention centres; migration policy; human rights training in the defence forces; measures to protect and guarantee the rights of vulnerable persons deprived of their liberty; trafficking in persons; and commercial sexual exploitation. Australia's written replies to the list of issues were submitted on 7 April 2008, and comprised a document prepared under the previous Government, and an addendum prepared by the current Government.

<sup>1</sup> Available at [www2.ohchr.org/english/bodies/cat/cats40.htm](http://www2.ohchr.org/english/bodies/cat/cats40.htm)

<sup>2</sup> Available at [www2.ohchr.org/english/bodies/cat/cats40.htm](http://www2.ohchr.org/english/bodies/cat/cats40.htm)

Five NGOs submitted reports<sup>3</sup> on Australia's implementation of the Convention. They drew attention to the alleged lack of a comprehensive framework for the implementation and monitoring of Australia's obligations under the Convention;<sup>4</sup> lack of legislative entrenchment of basic human rights;<sup>5</sup> the non-adoption of the Optional Protocol to the Convention against Torture;<sup>6</sup> the non-compliance with the principle of *non-refoulement*;<sup>7</sup> immigration and asylum seeker policy;<sup>8</sup> the situation of indigenous Australians in custody;<sup>9</sup> the failure to exert jurisdiction to investigate claims of torture of Australian nationals detained by the United States Government in Guantanamo Bay;<sup>10</sup> immigration detention;<sup>11</sup> counter-terrorism law and practice;<sup>12</sup> the Government's failure to investigate the actions of its agents abroad;<sup>13</sup> ministerial discretion to make decisions regarding extradition;<sup>14</sup> mutual legal assistance regarding deportation matters; rehabilitation of victims of torture;<sup>15</sup> conditions in prisons;<sup>16</sup> health treatment provided to detainees;<sup>17</sup> discrimination faced by women in prisons;<sup>18</sup> and the lack of human rights training of immigration officers.<sup>19</sup>

### Themes and Issues

Australia's delegation was headed by Ms Caroline Millar, Ambassador and Permanent Representative to the United Nations Office at Geneva. The delegation included representatives of the Attorney-General's Department, the Department of Immigration and Citizenship, and the Australian Permanent Mission to the United Nations in Geneva.

In its opening statement, the delegation informed the Committee that the new Australian Government had been elected on a platform of strengthening human rights and engaging more actively with the UN system. It assured the Committee that the Government was fully committed to upholding its obligations under the Convention and strongly supported international action to combat torture. The delegation reported that the Government would take preparatory steps to accede to the Optional Protocol to the Convention. It explained that the Human Rights and Equal Opportunities Commission<sup>20</sup> had a mandate to monitor and carry out inquiries, as well as to receive communications on issues relevant to the Committee. It further advised that Australia could not become party to the Optional Protocol until its practices and mechanisms were suitable, which required undertaking thorough consultations with states, territories and the Parliament. The delegation also stated that the Government was considering enacting into domestic law a specific definition of torture, although it underscored that the current domestic legal framework was already in line with the Convention. Regarding the process of elaboration of the national report, broad consultations had been carried out with governments of states and territories, the Human Rights and Equal Opportunities Commission, the Commonwealth Ombudsman, and non-governmental organisations. The delegation assured the Committee that Australia had a strong democratic legal and institutional framework, which subjected the actions of public officials to rigorous scrutiny. Furthermore, the Human Rights and Equal Opportunity Commission, royal

<sup>3</sup> Available at <http://www2.ohchr.org/english/bodies/cat/cats40.htm>

<sup>4</sup> Amnesty International (AI), Human Rights Law Resource Centre (HRLRC).

<sup>5</sup> New South Wales Council for Civil Liberties (NSWCCL), HRLRC

<sup>6</sup> AI

<sup>7</sup> AI, National Association of Community Centres (NACC), HRLRC

<sup>8</sup> AI, NACC

<sup>9</sup> AI

<sup>10</sup> AI

<sup>11</sup> AI, NSWCCL

<sup>12</sup> NSWCCL, NACC

<sup>13</sup> NSWCCL

<sup>14</sup> NSWCCL, Human Rights and Equal Opportunity Commission (HREOC), HRLRC

<sup>15</sup> NSWCCL, HREOC

<sup>16</sup> NSWCCL, NACC, HREOC, HRLRC.

<sup>17</sup> NACC

<sup>18</sup> NACC

<sup>19</sup> NACC

<sup>20</sup> The Human Rights and Equal Opportunities Commission (HREOC) is Australia's national human rights institution.

commissions, and the Commonwealth Ombudsman, represented strong internal mechanisms for addressing breaches of obligations under the Convention. The delegation outlined a number of key developments since 1997, including improvements in health services and conditions in immigration detention facilities; the discontinuation of the policy of detaining migrant children; the reduction of the visa processing time to 3 months; the abolition of the policy of transferring asylum seekers offshore; the recent announcement by the Minister for Immigration in support of an independent and transparent decision making mechanism for asylum applications; and the ratification of the Rome Statute of the International Criminal Court.

The review of Australia was carried out efficiently. Many Committee members expressed their appreciation for the detailed report, and for the new Government's pledge to engage more actively with the UN human rights system. The Committee commended the Australian Government for its recent apology to the indigenous population for its past policies, and for reforming some of its migration policies.

### **Status of the Convention in domestic law**

During its initial presentation, the delegation stated that the Federal Government was considering the enactment into domestic law of a specific definition of torture, although it stressed that Australia's legal framework was already in line with the provisions of the Convention. Furthermore, the delegation announced that the Government was taking preparatory action to accede to the Optional Protocol to the Convention.

Serving as country rapporteur, Mr Menendez welcomed the new Government's intention to consider the inclusion of a specific offence of torture in Australia's federal legal framework, while noting that some states had already codified torture within their criminal legislation. However, he expressed the concern that, in the absence of a bill of rights, the Parliament, in devising relevant laws, could actually lower the threshold requirements of a torture offence. Mr Menendez also said that there existed the possibility for discrepancies between state and commonwealth provisions on torture, and reiterated that some state laws on torture appeared to be stricter than others, which could lead to differing levels of protection – and, potentially, discrimination. He also sought advice on what would happen to the status of existing laws on the matter once the draft federal law on torture was enacted. Serving as co-rapporteur, Mr Gallegos noted that there did not appear to have been any court ruling in a state or territory relating to torture.

The delegation explained that although Australia had no bill of rights, its Constitution ensured an appropriate balance of powers between the arms of government, and the representative parliamentary system provided adequate scrutiny of Australia's legal system. The delegation added that international treaties were not self-executing; therefore, before acceding to an international instrument, the Federal Government had to ensure that all relevant national legislation (including at the state and territory level) was in place and adequate. It explained that, generally, criminal laws were devised by states, although some offences could be determined under common law. Therefore, before acceding to an international instrument, the Federal Government could either check if states already fulfilled the obligations under the convention, and, if not, ask them to do so; or enact a federal law itself. The delegation suggested that the motivation for enacting possible federal legislation on torture would be to strengthen Australia's legal framework on this matter; therefore, it was inconceivable that the new law could weaken national protection against torture. It further explained that federal and state laws on similar matters were by nature complementary.

In its concluding observations, the Committee urged the State party to ensure that torture was adequately defined and specifically criminalised at the Federal, States and Territory levels, in accordance with article 2 of the Convention.

## Immigration and asylum seeker policy

In its initial presentation, the delegation outlined a number of key developments in Australia's immigration policy in recent years, and in particular under the new Government. These included improvements in the conditions of immigration detention; the reversal of the policy of detaining migrant children; the reduction of the visa processing time to 3 months; the abolition of the policy of transferring asylum seekers to offshore detention; the announcement by the Minister of Immigration in support of an independent and transparent decision-making mechanism on asylum applications (the new Minister had expressed interest in reviewing his discretionary powers); as well as the review of cases of all detainees who had been in custody for more than two years.

The country rapporteur Mr Menendez noted with concern that many asylum seekers were detained for lengthy periods. He enquired whether there was an adequate system of recourse and access to the justice system. Together with the co-rapporteur, Mr Gallegos, he referred to General Comment No. 2 of the Committee, which called attention to a number of key legal instruments and principles for the prevention of torture, including *habeas corpus* and the presumption of innocence. Co-rapporteur Mr Gallegos noted with concern that refugees were submitted to mandatory detention without adequate remedy, and asked what was done with the children of asylum seekers. Mr Menendez noted with concern that the Minister for Immigration had discretionary powers to decide on the admissibility of asylum requests, and suggested that the Minister should have his decisions submitted for judicial review. Mr Gallegos expressed his surprise at the opening of a new offshore immigration detention centre on Christmas Island, and stressed that a standard visa processing time should become more institutionalised. He welcomed the initiative of the Minister for Immigration to consider limiting his discretionary power of deciding on asylum applications.

The delegation stressed that Australia had one of the largest planned migration programs in the world, and one which comprised various mechanisms to enable the extension and regularisation of an asylum-seeker's stay in the country. It explained that the granting of protection visas to asylum seekers was conditioned to the requirements of the *1951 UN Convention relating to the Status of Refugees* and that applications were assessed by trained officials within a legally established timeframe of 90 days. The delegation added that protection visas granted the right to health, to work, and to social security if needed. If a visa application was denied, a detailed statement of reasons was provided and the applicant had the right to appeal through independent administrative tribunals or through the judiciary.

The delegation added that protection visas were granted to non-refugees in appropriate cases, when the Minister for Immigration decided to use his intervention power 'in the public interest' (such as where obligations under the Convention might exist). Having said that, the Minister's power of intervention could not be used to overturn favourable decisions, nor decisions made by the courts. Regarding the rights of migrants in detention, the delegation underscored that there were avenues (such as the writ of *habeas corpus*) to allow for temporary release, and that the lawfulness of a detention could be challenged before the judiciary. Additionally, immigration detainees were encouraged to seek legal advice (which could be made available through public funding), and the Commonwealth Ombudsman had a mandate to review the cases of asylum-seekers detained for more than 2 years. On the treatment of asylum-seekers accompanied by children, the delegation noted that since 2005, all families were transferred from detention centres to alternative detention arrangements within the community, which provided a number of facilities such as primary schooling and English classes. Taking further measures, the new Government had recently decided that children could not be detained under any circumstances.

In response to a question on offshore detention centres, the delegation advised that the new Government had acted quickly to end the policy of transferring asylum-seekers to Papua New Guinea and Nauru. In future, unauthorised boat arrivals would be sent to Christmas Island (which was part of Australian territory) while their claims were processed. Furthermore, the delegation explained that children and families were not placed

in detention but were accommodated in the Christmas Island community. The Government was considering measures to strengthen the integrity of the process, and, where appropriate, detainees could be granted temporary visas while their claims were processed.

In its concluding observations, the Committee called on Australia to consider the abolition of its policy of mandatory immigration detention for those entering the country irregularly. It noted that detention should be a last resort measure, and that non-custodial measures should be made available.

Co-rapporteur Mr Gallegos drew attention to the *2005 Palmer Report*, which had addressed inadequacies in the handling of immigration detention issues. The delegation noted that, since the report, there had been dramatic changes to the immigration detention system in terms of its funding, structure, and internal culture. It underlined, for example, the establishment of formalised training for immigration officials, and the codification of their responsibilities. There was now a greater emphasis on decreasing the volume of people in detention, using detention as a last resort, and engaging with community stakeholders. The delegation further outlined the guiding principles of the detention policy (dignity, humaneness, and respect), and assured the Committee that detainees were not discriminated against on any grounds. The delegation noted that the number of people in detention at the moment was only around 500, a figure that comprised mostly people who had not applied for a visa. Furthermore, each case was reviewed every 28 days to ensure that detention was still the appropriate outcome.

Committee member Mr Gallegos sought further clarification on how Australia defined ‘detention’, and expressed particular interest in the meaning of ‘community detention’. The delegation stated that, theoretically, although large numbers of people could be ‘detained’, persons in ‘detention’ did not necessarily live in detention centres. It explained that public authorities always tried to find more suitable alternatives such as ‘community detention’, under which the person could live a normal life without an escort. Community ‘detainees’ were not locked up, and were free to attend school and go to shops. Committee member Ms Sveaass acknowledged that efforts to review the bad practices of immigration detention were admirable, but noted that community detention was also problematic, and may resemble ‘house arrest’. She suggested that this type of detention may require an alternative formulation to reaffirm that it met acceptable standards of living conditions.

A number of committee members inquired about Australia’s compliance with the principle of *non-refoulement*.<sup>21</sup> The country rapporteur Mr Menendez expressed concern about allegations that the principle was not spelled out explicitly in Australia’s domestic legislation, and argued that a 2003 federal court decision had not complied with the principle. He noted that decisions to expel persons were adopted by the relevant Minister or other political authorities, and asked whether such decisions were subject to judicial review. Mr Menendez asked whether Australia had established a procedure to issue visas for humanitarian reasons, and reminded the delegation that Australia had accepted (under Article 22 of the Convention) the competence of the Committee to receive communications. The delegation responded that the principle of *non-refoulement* was of fundamental importance to Australia and that mechanisms to ensure compliance with it (such as ministerial intervention, and the possibility of accessing protection visas) were entrenched in domestic legislation. Regarding the extradition process, it involved decisions from both the judiciary and the executive. The Attorney General or the Minister for Home Affairs decided whether to accept an extradition request and subsequently gave notice to a magistrate to consider the application for extradition. If the magistrate was satisfied that the person was eligible to be extradited, the Attorney General or the Minister of Home Affairs decided whether or not to surrender the person, taking into consideration a number of elements, including the possibility of being subjected to torture on return to the country of origin. Furthermore, the delegation stressed that persons to be surrendered could seek judicial review.

---

<sup>21</sup> *Non-refoulement* is a principle in international law that concerns the protection of refugees from being returned to places where their lives or freedoms could be threatened.

In its concluding observations, the Committee urged the State party to incorporate into domestic legislation the principle of *non-refoulement*, and to adopt a system of complementary protection which would no longer solely rely on the Minister's discretionary powers.

Committee members Ms Sveaass and Ms Gaer raised concerns about allegations of violent and abusive practices against women in prisons and in immigration detention. Ms Gaer sought further explanations regarding Australia's 'additional responses' to the list of issues, which had stated that allegations of sexual assault in immigration detention were rarely received and that no case of proven sexual assault had been found in the records of the Department of Immigration. The delegation said that any allegations could be directed to law enforcement bodies, regulatory or welfare agencies. It further explained that local law enforcement agencies made the ultimate decision on whether there existed enough evidence to substantiate a claim. Over the reporting period, six allegations had been recorded but none were adequately substantiated.

### **Conditions in detention centres**

A number of Committee members expressed concerns about Australia's detention system. Mr Menendez referred to allegations that Australia's prison populations were 20% over their capacity, and stated that this could amount to an undue punishment of detainees. The delegation explained that the states were responsible for the management of prisons, and added that across those Australian states and territories which had provided statistics, only two had detention facilities above capacity. The Government of Western Australia, whose prisons exceeded capacity by 11.9 percent, had been adopting measures which provided alternatives to incarceration, including alternative punishment for the non-payment of fines, the increased use of bail, and the introduction of prison employment release programs. The Northern Territory, whose prisons exceeded capacity by 6 percent, had recently completed the establishment of a new low security facility to alleviate occupancy rates in other prisons.

Committee member and co-rapporteur Mr Gallegos drew attention to the large number of people afflicted with mental illness who were in prisons, and added that this appeared to have a disproportionate impact on indigenous people. He and Ms Belmir noted with concern the number of deaths of indigenous peoples in custody, and stressed the need to combat discrimination against marginalised groups. The delegation reported that the Australian Institute of Criminology had reached no definitive conclusions on the reasons why the mentally ill were over-represented in the criminal justice system. It further outlined a range of measures adopted to address the issue, which included mental health care and other health programs specifically designed for indigenous people.

Co-rapporteur Mr Gallegos sought further information on supra-maximum security prisons and related practices such as the isolation of detainees. The delegation stated that all Australian prisons operated consistently with the Convention, and that isolation was only considered when the detainee posed a threat to order and security. Furthermore, these prisons were well resourced to provide support by way of education and counselling.

Ms Gaer requested further information on the reasons why indigenous women represented the fastest growing population in prisons, but the delegation was unable to provide specific information to clarify this.

Country rapporteur Mr Menendez expressed concern about certain techniques of interrogation used on detained persons, which in his view could be equivalent to torture. He asked whether Australia had a protocol imposing limits on allowable interrogation methods. Committee member Ms Sveaass noted that it was important to establish clear guidelines so as to avoid non-physical torture such as sleep deprivation, given that mental pain was an important aspect of torture. The delegation stated that the Government strongly opposed torture under any circumstances, and that certain interrogation methods such as 'waterboarding' and sleep deprivation were prohibited. In its concluding observations, the Committee recommended that the State party

ensure that all law-enforcement and military personnel received adequate education and training on interrogation rules, instructions and methods, and on how to identify signs of torture.

Committee member Ms Belmir expressed concerns about the delegation of the use of force to the private sector on a contractual basis. She queried whether state governments could be held accountable for violations perpetrated by private security agents acting in the public interest. The delegation answered that private corporations running prison facilities were subject to the same criminal and civil laws as the Government. Therefore, a prison officer who mistreated a detainee would be held accountable regardless of whether he/she acted in a private or public capacity. The delegation added that there were strict guidelines and procedures in place governing the conduct of both private and public agents with regards to their treatment of detainees. Furthermore, the delegation highlighted that detainees who felt mistreated had at their disposal an exhaustive range of domestic remedies, including criminal action.

In its concluding observations, the Committee called upon the State party to ensure that all allegations of acts of torture committed by law enforcement officials were promptly, independently and impartially investigated.

### **Counter-terrorism measures**

The country rapporteur, Mr Menendez, asked the delegation whether terrorism-related arrests made by the police and other forces were adequately scrutinised by the judicial system. He referred to the time limits placed on preventive detention, and asked whether there were circumstances when detentions were extended, even when there was no proven offence. The delegation answered that terrorism suspects could not be subjected to indefinite detention. Under federal law, a person could be detained for up to 24 hours - which could be extended to 48 hours if it were proven necessary to collect further information. According to state and territory legislation, a person could be held in preventive detention for up to 14 days, which could be extended only if authorised by the relevant judicial authorities. No questioning was allowed of people under preventive detention. Finally, the delegation referred to the 1979 Australian Security Intelligence Organisation Act, which empowered the organisation to seek warrants from a magistrate to allow it to question detainees and, in limited circumstances, to detain a person who may have information on a terrorist offence.

In its concluding observations, the Committee recommended that the State party ensure that the detention powers of the Australian Security Intelligence Organisation were in compliance with the right to a fair trial and the right to seek judicial remedies.

### **Extraterritorial matters**

Country rapporteur Mr Menendez referred to the case of David Hicks, an Australian who had been detained for several years in the Guantanamo Bay<sup>22</sup> detention camp, and who, following his release, had agreed not to lodge a complaint. Mr Menendez asked whether acts of torture committed against Australian citizens abroad could be brought before national courts. The delegation answered that under Australian law any national committing torture abroad could be prosecuted, as could any foreigner committing torture in Australia. Furthermore, it stated that violations committed in the course of armed conflict had extraterritorial application - therefore the perpetrator could be judged in Australia or in any other country. On the Hicks case, the delegation stated that the Government had not imposed any limits on his right to seek remedy, but that he had decided freely not to take any action against the United States.

Committee member Ms Gaer referred to Australia's replies to question 40 of the list of issues on the treatment of detainees in Iraq and Afghanistan, which had stated that the Australian Defence Forces in those countries

---

<sup>22</sup> The Guantanamo Bay detention facility is a United States-administered detention centre established in 2002 as a result of the Bush administration's "war against terrorism".

did not have a detainee management role – this was the responsibility of the United Kingdom and the Netherlands. Ms Gaer asked whether there were any instances of assurances being provided pertaining to the rights of prisoners transferred from Australian custody. Ms Gaer also expressed concern about the failure to investigate abuses committed at the ‘Abu Ghraib’ prison in Iraq.<sup>23</sup> The delegation explained that appropriate measures were taken to ensure that members of the Australian Defence Forces stationed abroad complied with the provisions of the Convention. The Australian Defence Force’s policy was to not transfer any person in its custody to another authority under which the person risked being subjected to torture. The delegation underlined that in Afghanistan and Iraq, the Australian Defence Forces did not have a detainee management role. Regarding the incidents in ‘Abu Ghraib’, the delegation advised that Australian Defence Forces were not involved in guarding the prisoners, and that the Australian Government was urging the United States to investigate the incident and hold perpetrators accountable.

### **Violence against women**

Committee member Ms Sveaass sought further information on measures to address domestic violence. Ms Gaer requested further clarification on the criminalisation and prevention of female genital mutilation (FGM). She noted that in the state of Victoria, FGM was criminalised, but that there had been no prosecutions. Ms Gaer sought further details on the proportion of the population involved in these practices. The delegation answered that the Government was establishing a national council which would develop a national plan to combat domestic violence, and highlighted that the development of tougher legislation was underway. Furthermore, the Government was providing funds for research on international best practice models, to enable it to work with the perpetrators of violence against women. It was also financing the construction of 600 houses to accommodate the homeless, as well as women and children who were victims of domestic violence. On FGM, the delegation regretted that it was unable to provide further specific information.

### **Human Trafficking**

Committee members Mr Gallegos and Ms Sveaass noted with concern that while strong efforts were being made to combat human trafficking, in Australia there appeared to be relatively little investigation into the matter. Ms Sveaass recalled concluding observations that had been made in 2006 by the Committee on the Elimination of Discrimination Against Women,<sup>24</sup> which indicated that victims were not supported unless they collaborated with the police in the investigation and prosecution of traffickers. The delegation said that Australia had ratified the Trafficking Protocols, better known as Palermo Protocols, and added that, given Australia’s robust border security and visa framework, opportunities to traffic people into the country were very low; there had been only 100 reported cases since 2004. Australia’s anti-trafficking strategy included prevention, detection and investigation. In its concluding observations, the Committee urged the State party to take effective measures to prosecute and punish trafficking in persons, and to provide recovery services to victims on a needs basis, regardless of the extent of their collaboration with investigators.

### **Conclusion**

A number of UN treaty bodies had previously made concluding recommendations and observations on the same issues addressed by the Committee. The Committee on the Elimination of Racial Discrimination had recommended that Australia increase its efforts to ensure that the enforcement of counter-terrorism legislation did not disproportionately impact on specific ethnic groups and people of other national origins; and, similarly, to take action to prevent the stigmatisation or profiling of non-citizens (including asylum-seekers) on the basis of race, colour, descent, or national or ethnic origin. The Committee on the Rights of the Child

---

<sup>23</sup> Beginning in 2004, accounts of abuse, torture, sodomy, and homicide, of prisoners held in the Abu Ghraib prison in Iraq came to public attention.

<sup>24</sup> CEDAW/C/AUL/CO/5

had urged Australia to ensure that migrant children were not automatically detained in the context of immigration detention. The Human Rights Committee had urged Australia to reassess its legislation regarding the mandatory detention of persons who illegally entered the country.

Overall, the review of Australia was carried out in a constructive and cooperative spirit. The Australian delegation offered detailed responses where information was available, while Committee members expressed strong appreciation for the new Australian Government's improved engagement with the international human rights system, and encouraged it to continue down that track. The Australian delegation, for its part, thanked the Committee for the early provision of its 'list of issues', which it considered an improvement to the efficiency of the treaty body system. In turn, the Committee thanked Australia for its efforts on treaty body reform, commenting that the emergence of lists of issues would not have been possible without the efforts of countries like Australia.

The Committee Against Torture requested that Australia submit its next report by 30 June 2012. It also requested Australia to provide, within one year, information on its response to some of the Committee's concluding recommendations – specifically, on paragraphs 9 (on incorporating the Convention into domestic law), 10 (on the powers of detention, and control orders), 11 and 25 (both on immigration detention).

## **TREATY BODY MONITOR STAFF**

**Gareth Sweeney**, Deputy Manager, Geneva

**Paul Dziatkowiec**, Human Rights Officer, Geneva

**Michelle Evans**, Representative to the UN, New York

**Vanessa Jackson**, Human Rights Officer, New York

## **AUTHORS OF THE AUSTRALIA REPORT**

**Ana Carolina Ponte Vidal**, Intern

## **ABOUT THE PUBLICATION**

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm>.

## **COMMENTS AND FURTHER INFORMATION**

We would welcome your feedback on this publication so please send any comments and suggestions to [information@ishr.ch](mailto:information@ishr.ch). You can check the latest Treaty Body Monitor reports published on [www.ishr.ch](http://www.ishr.ch).

## **COPYRIGHT AND DISTRIBUTION**

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

## **DISCLAIMER**

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify [information@ishr.ch](mailto:information@ishr.ch).