



25 May 2015

Kevin O'Connell
A/g Assistant Secretary
Human Rights and Gender Equality Branch
Department of Foreign Affairs and Trade

KINGSFORD
LEGAL CENTRE

By email: humanrights@dfat.gov.au

Dear Mr Playford,

Australia's Draft Fifth Report under the International Covenant on Economic, Social and Cultural Rights

Thank you for inviting Kingsford Legal Centre to comment on Australia's draft report under ICESCR. We provided additional feedback on the report at the consultation forum on 8 May 2015, and appreciate your responsiveness to feedback at that forum. In this submission we have focused on general feedback.

Comments on the consultation process

While we appreciate being consulted on the draft report, it would also be valuable to consult on the implementation of the Convention. We recommend that the Government develop a public mechanism to monitor the implementation status of all UN human rights bodies' recommendations about Australia.

We also suggest that the Government, in its report, in particular, consulting with Aboriginal and Torres Strait Islander social services would be particularly valuable in the context of considering Australia's implementation and realisation of economic, social and cultural rights. The Government should proactively seek input from these services, which represent Australia's most vulnerable issues raised by the Convention and the report.

Many of the issues raised at the May 2015 consultation forum have been raised previously by the Australian Government in the context of other periodic reports and other human rights consultation processes. It would be helpful if the relevant non-government organisations could be retained and communicated across the various government departments and staff members that are responsible for these processes in a timely manner.

General comments on the report

We are concerned that Australia's report is already substantially overdue, and that this is a trend in relation to Australia's reporting under the International Covenant on Economic, Social and Cultural Rights, that the Australian Government is yet to respond to the list of Issues Prior to Reporting under the International Covenant on Civil and Political Rights, and the list of Issues Prior to Reporting under the International Covenant on Economic, Social and Cultural Rights.

We note that the report should include details of:

- the measures that Australia has adopted and progress made in achieving all ICESCR rights, consistent with the obligations under Article 2(1);
- factors and difficulties affecting the degree of fulfilment of ICESCR obligations, consistent with the obligation under Article 2(2).

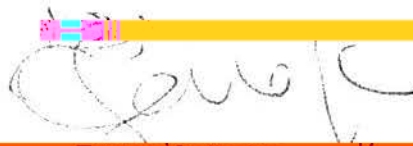
We note that the report should also include information about Australia's failure to give effect to ICESCR rights and the progress made in achieving those rights (paragraph 2).

In addition, responses to Concluding Observations should specifically address the recommendations made in the Concluding Observations and, where those recommendations have not been implemented, should identify any measures that could potentially be viewed as addressing those recommendations. The Australian Human Rights Commission should also be included along with reasons for these changes.

Through the report, Australia should provide more data which should be disaggregated by gender, age, disability, ethnicity, Indigenous status, and other relevant factors. Australia's progress towards realising ICESCR rights (as required by Article 2(1)). Indicators and benchmarks should also be identified to assist in measuring progress with the requirements set out in the Concluding Observations.

We look forward to the final Australian report to be submitted in the near future. Please keep us updated on the progress of the report. We will continue to work with the Government of Australia to report.

Yours sincerely,
KINGSFORD LEGAL CENTRE



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Solicitor

Emma Gudgeon
Acting Director

¹ See also Committee on Economic, Social and Cultural Rights, *Guidelines on treaty documents to be submitted by parties under the International Covenant on Economic, Social and Cultural Rights*, E/C.12/2008/12, 24 March 2009, pages 3-4.

² As above.