

29 August 2025

## **WEL Submission to Australia's Fourth Universal Periodic Review of Australia's record and commitment to Human Rights**

Women's Electoral Lobby (WEL) is a national, feminist, independent, non-profit, non-party political advocacy group, established in 1972. For over 50 years, WEL has championed gender equality by influencing public policy, holding governments accountable and amplifying women's voices in Australia. WEL promotes its vision through political education and lobbying to pressure government to change laws or policies, collaborating with other organisations and individuals in our campaigns. We work toward a society where all people—regardless of gender—can participate fully and equally, with their contributions recognised, respected, and fairly rewarded.

In early 2026, the Australian Government will appear before the United Nations Human Rights Council for its four-yearly review, the Universal Periodic Review (UPR). Following the submission of Australia's national report, member states of the United Nations Human Rights Council assess Australia's record and commitment to human rights.

Through the Department of the Attorney General, the Government has sought comment on the Draft Report. The final Report will be submitted to the Office of the UN High Commissioner for Human Rights prior to Australia's appearance. The draft has been prepared in collaboration with the governments of Australia's states and territories. The report outlines measures taken to implement accepted recommendations, voluntary commitments and pledges from Australia's third cycle UPR.

Our submission outlines the bases of our strong support for fully incorporating Australia's human rights obligations into domestic law through a Human Rights Act. We also make some comments and suggestions on the Government's draft report which details action Australian governments have taken to implement the recommendations Australia agreed to in our 2021 UPR appearance and broader progress made with respect to human rights obligations.

We consent for our submission to be published as the Women's Electoral Lobby submission to the consultation.

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## WEL Recommendations

WEL notes that the Australian Government funded the Human Rights Law Centre to coordinate a [Joint NGO Report](#) on behalf of the Australian NGO Coalition. Within the scope of our policy platform WEL supports the recommendations in that report which cover:

- Fully incorporating international human rights obligations into domestic law through a Federal Human Rights Act.
- Raising the age of criminal responsibility to at least 14 years of age.
- Taking action to address systemic injustices facing Aboriginal and Torres Strait Islander people through truth-telling, self-determined solutions to justice problems, and domestic implementation of UNDRIP.
- Implementing comprehensive anti-discrimination reform that provides consistent protections for everyone in Australia.
- Pursuing ambitious climate action.

We endorse the Human Rights Commission's proposed Free and Equal Framework for a Human Rights Act.

To strengthen protection of the rights of girls and women, the first Australian Human Rights Act must include the following as a minimum standard:

- labour rights, including rights to fair wages, a decent living and equal remuneration for work of equal value;
- all rights contained within the UN Declaration on the rights of Indigenous peoples;
- the right to a clean and healthy environment;
- the right to enjoy the highest possible standard of physical and mental health with a clear articulation that this right extends to sexual and reproductive health and rights;
- the right to education with a clear articulation that this right includes comprehensive sexuality education; and
- a clear direction that all rights under the Act must be interpreted with reference to the international conventions and covenants ratified by Australia.

Under the heading Rights of Women, Section C of the Australian Government's draft report cites an impressive list of government achievements since Australia's third periodic review process took place on 20 January 2021. WEL particularly commends the government for amendments to the Sex Discrimination Act (1984), which introduce a positive duty on employers and business owners to take measures to eliminate sex discrimination, sexual

harassment, hostile work environments on the grounds of sex and workplace victimisation and for funding the Human Rights Commission to exercise compliance and enforcement functions, as well as being able to run inquiries in relation to systemic unlawful discrimination.

The draft report goes on to list major government legislative and strategy-based initiatives in relation to Gender, Family and Domestic Violence, Family Law Reform, Workplace Gender Equality and the participation of women in political life.

WEL remains concerned that despite the title 'Women's Rights', section C of the draft report makes no reference to a positive rights-based framework, such as could be provided by a Federal Human Rights Act.

The draft report refers to 'Working for Women', the Government's overarching strategy for Gender Equality. The Strategy includes an appendix citing Australia's international human rights obligations and declares 'Gender Equality is a Human Right... Freedom from Violence is also a Human Right and is inextricably linked to gender equality because gender- based violence is both a driver and a consequence of gender inequality'.

Yet the Strategy includes no systematic mechanism to advance what it terms the 'collective action of communities, workplaces and individuals ... to address the barriers that hold Australia back from making gains towards gender equality and retaining progress in the future.'

WEL is also concerned that neither the draft report nor the NGO report refers to the ongoing restrictions in Australia to women's right to reproductive health care. Oddly the Government's draft report fails to mention that, since the last Periodic Review the states and territories have all now decriminalised abortion - surely a significant step forward.

The [Australian Women's Health Alliance Policy Brief](#) on abortion outlines some of the continuing constraints on Australian women's reproductive rights. It states:

The United Nations Committee on Economic, Social and Cultural Rights and the Convention on the Elimination of Discrimination against Women (CEDAW) Committee have enshrined sexual and reproductive care within women's right to health. As a signatory to CEDAW, the Australian Government is therefore obliged to respect, protect and fulfil sexual and reproductive health and rights.

Over the past 20 years abortion has been increasingly relocated from criminal law to health law. The process has varied between states and territories, creating a patchwork of laws across Australia.

Observations on Australia's periodic CEDAW report recommends that Australia harmonise abortion-related legislation across jurisdictions to increase health access and equity.

Until abortion law is harmonised, women and pregnant people will continue to travel between jurisdictions in order to access healthcare and Australia's human rights record in abortion care will remain opaque.

The Australian Women's Health Alliance Policy Brief also states that:

Conscientious objection is a barrier to access and is often cited by whole health services. Conscientious objection should only be permitted for individual medical providers if at all, and not for or by, whole health services. Abortion related law and policy must include provisions obligating medical professionals to refer abortion seekers to an alternative provider, thus avoiding their duty of care and despite a legal obligation to do so'.

Finally, WEL notes that there is no reference in the draft government report to the marginalisation of LGBTQIA people and the failure of anti-discrimination legislation to protect groups whose very existence contests rigid definitions of gender. Protections throughout Australia from hate speech and discrimination are inconsistent. The Sex Discrimination Act still allows discrimination against LGBTQ+ people through broad exemptions for religious institutions.

We strongly endorse the recommendation in the NGO report that Australia make a commitment to legislate to protect LGBTQIA+ people from discrimination and hate speech, including by narrowing exemptions allowing religious organizations to discriminate.

### **The need for a common language through human rights**

Australia is a diverse country. More than 48% of our population has at least one parent born overseas. The accelerating pace of technological change has widened traditional intergenerational divides. Our suburbs and towns are sharply divided along socioeconomic fault lines. The experience of living in an Australia city is very different to the experience of living in rural or remote Australia.

In the face of such diversity, it can be difficult to have constructive conversations about change and the needs of different people. To achieve gender equality and promote the well-being of women and girls in Australia, we need a common language and a common set of standards on which to base political and community discussion.

This common structure already exists in the language of human rights. The modern global system of human rights was first established following the end of World War Two and has been refined, explained and developed ever since. Using human rights as the basis for discussions about power, decision-making and the distribution of resources makes sense because it allows us to have conversations about change on a level playing field where the rules are already clearly understood.

The absence of a Human rights Act sets us apart from most other developed democracies – Canada, New Zealand, USA, UK and the EU all have well developed local human rights acts and supporting infrastructure such as education programs.

While some states have enacted their own human rights laws, coverage across Australia is variable and non-existent for many.

This lack of national leadership on human rights has real consequences in our daily lives. Human rights may be largely ignored when governments develop policy and make decisions about funding or priorities. The lack of a right to housing in Australia has resulted in tax and policy settings which prioritise housing as an investment option, rather than as a human right.

The Robodebt scandal and other problems arising from the 'mutual obligation' approach to social security could have been avoided if the right to social security was recognised in Australia.

The debate about Australia's response to climate change could have looked very different if it had been grounded in the right to a clean and healthy environment.

When human rights are ignored, the negative effects are always felt first by those who are marginalised.

The Australian Human Rights Commission (AHRC) has proposed a new human rights framework for Australia called *Free and Equal*. The AHRC is calling for a national human rights act (HRA), a new education framework and a range of measures for monitoring how well we are doing at implementing the rights in the seven human rights treaties ratified by Australia and the UN Declaration on the Rights of Indigenous Peoples, listed as follows:

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons With Disabilities (CRPD)

- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- WEL endorses the AHRC's proposed [Free and Equal](#) framework, including the draft Human Rights Act.