

# It's Up to Us – Taking Responsibility for Human Rights

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Human Rights Commissioner

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(14 October 2022)



Australian  
Human Rights  
Commission

# Key Challenges

- ▶ Royal Commission into Aged Care, Quality and Safety
- ▶ OPCAT
- ▶ Elder Abuse
- ▶ COVID-19 Pandemic

# Royal Commission into Aged Care Quality and Safety



“The extent of substandard care in Australia’s aged care system reflects both poor quality on the part of some aged care providers and fundamental systemic flaws with the way the Australian aged care system is designed and governed. People receiving aged care deserve better. The Australian community is entitled to expect better.”

Royal Commissioners Tony Pagone QC and  
Lynelle Briggs AO

# OPCAT

- ▶ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment.
- ▶ 20 January 2023 deadline → 98 days.
- ▶ Road Map to OPCAT Compliance  
Recommendation 4 = Governments adopt an inclusive approach to the interpretation of 'places of detention', ensuring that both 'primary' and 'secondary' places of detention are included within the scope of all NPMs.

## Road Map to OPCAT Compliance

**Best Practice OPCAT Principles**

- Nationally consistent NPMs
- Disability informed and inclusive NPMs
- Child rights centred and expert NPMs
- Culturally safe and inclusive NPMs

**Recommendation 1**  
Governments ensure full OPCAT compliance no later than the 20 January 2023 extended deadline by designating NPMs and ensuring the mandates of NPMs are sufficient to allow them to effectively fulfil their OPCAT functions.

**Recommendation 2**  
Governments give particular attention to ensuring NPMs are designed and operate in a way that reflects the particular needs, and are inclusive of, vulnerable cohorts who are disproportionately represented in places of detention, including (but not limited to) First Nations people, children and young people, and people with disability.

**Recommendation 3**  
The Australian Government introduces dedicated primary legislation to ensure full effect is given to the key provisions of OPCAT around Australia, and the national coordination of Australia's OPCAT response. Legislation should provide:

- Powers of unfettered access to all places of detention by NPMs and the UN SPT
- A clear foundation for these visits
- Ensure access to facilities and information
- Secure the continued, long-term, and effective operation of OPCAT

**Compliance Map** [as at 14 Oct 2022]  
States | Territories



Commonwealth

Legend:

- Red: No NPM | No OPCAT legislation passed
- Orange: No NPM | Limited legislative progress
- Yellow: Designated NPM | Limited legislative progress
- Green: Designated NPM | OPCAT legislation passed

**Recommendation 4**  
Governments adopt an inclusive approach to the interpretation of 'places of detention', ensuring that both 'primary' and 'secondary' places of detention are included within the scope of all NPMs.

**Recommendation 5**  
Governments resource NPMs sufficiently to allow them to effectively fulfil their OPCAT functions, including the outward-facing functions contained in the 'preventive package'.

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# Elder Abuse: Shift Your Perspective



**1800 ELDERHelp**  
(1800 353 374)

I am **treated** with **respect** by family and friends

I **know** how my **money** is being spent

I **choose** what happens in my **home**

**Decisions** about my life are in my **best interest**

My will reflects **my own wishes**

I **know** where my **medication** is

If you answered **'no'** to any of these statements, you may wish to **talk to someone you can trust.**



If you experience, witness, or suspect elder abuse, call the **free and confidential** National Elder Abuse phone line for information, support and referrals.

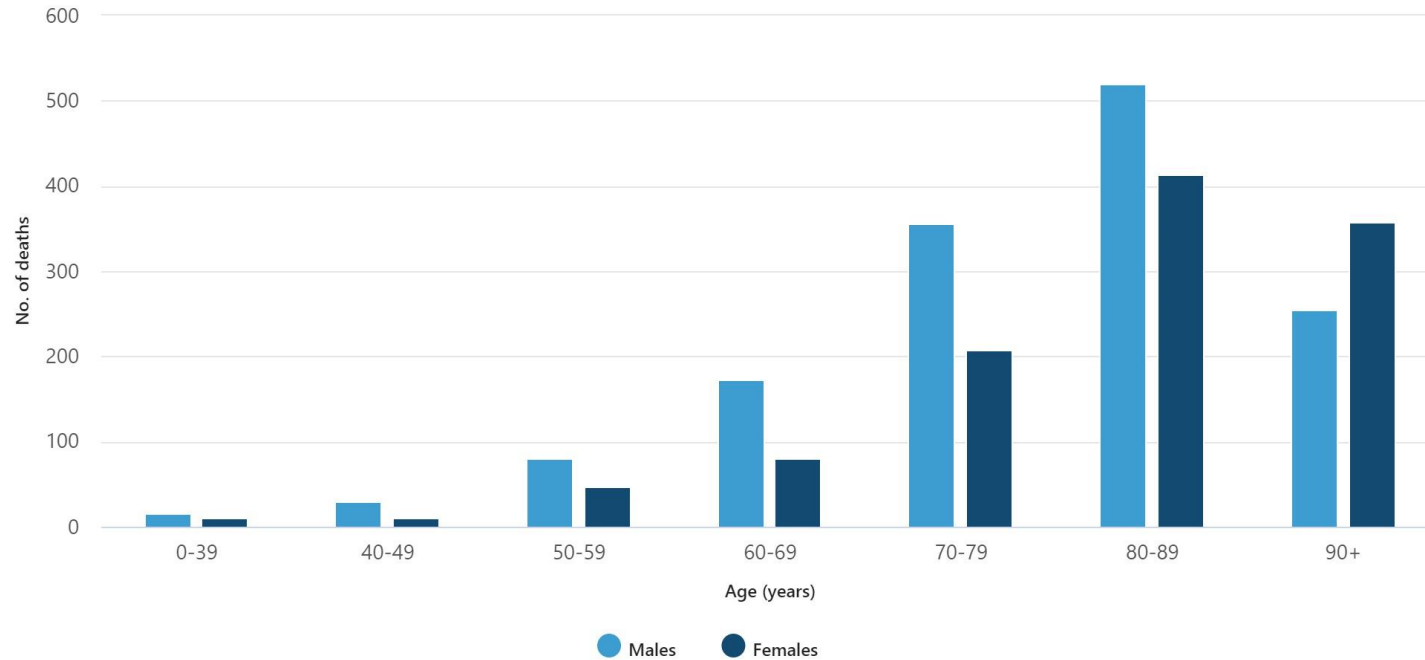
In an emergency, contact **000.**

A collaboration between the Australian, state and territory governments



# COVID-19

COVID-19 registered deaths by age and sex (a)(b)(c)(d)(e)



- a. This graph only includes information on registered deaths due to COVID-19. Numbers of deaths will differ to disease surveillance systems.
- b. Information on deaths due to COVID-19 include all deaths due to the disease that occurred and were registered by 31 January 2022.
- c. Deaths due to COVID-19 in this report have an underlying cause of either ICD-10 code U07.1 COVID-19, virus identified or U07.2 COVID-19, virus not identified.
- d. This data is considered to be provisional and subject to change as additional data is received.
- e. Refer to methodology for more information regarding the data in this graph.

Source: Australian Bureau of Statistics, COVID-19 Mortality in Australia, Deaths registered to 31 January 2022 15/02/2022

# It's Up to Us!



“Where, after all, do human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world ... Unless these rights have meaning there, they have little meaning anywhere”.

(Eleanor Roosevelt, 1958)