

1 April 2011

Ms Rowan McCrae
Office of International Law
Attorney-General's Department

By email: upr@ag.gov.au

Dear Rowan

**Australia's Universal Periodic Review
Consultation on Recommendations**

Thank you for the opportunity to provide a submission on the recommendations made to Australia during its Universal Periodic Review (UPR) appearance in January 2011.

As you are aware, the Human Rights Law Centre (HRLC) has been involved in coordinating the Australian NGO Coalition, including in the preparation of a joint NGO report, attending the UPR session in Geneva and work in relation to follow up. The HRLC strongly endorses the submission made by the NGO Coalition to this consultation process.

In particular, the HRLC emphasises that the Australian Government's response to each of the UPR recommendations should be guided by the following principles (as outlined in the NGO Coalition's submission):

- Australia's response to each of the UPR recommendations should be based on a commitment to and compliance with Australia's international human rights obligations.
- Australia's response to the UPR recommendations should be seen as a constructive and critical opportunity to improve Australia's human rights record, and not as a burden.
- The process for considering and responding to each of the UPR recommendations must be open, transparent and accountable.
- The Australian Government's consideration of each of the UPR recommendations must be informed by the experience and expertise of NGOs.
- Clear and effective processes must be established to monitor implementation of the UPR recommendations.
- The Australian Government should provide appropriate explanations for the reasons for rejection of any UPR recommendations.

Response should be guided by Australia's international human rights obligations

To assist the Australian Government in its consideration of each of the recommendations, we **attach** an annexure that provides the HRLC's assessment of each of the UPR recommendations as they relate to Australia's international human rights obligations under law. The table contained in the annexure ranks each recommendation according to the following categories:

1. **Must accept as a matter of law:** The recommendation must be accepted as a matter of international human rights law and by consequence of Australia's legal obligations. This category is further divided into those recommendations which are the subject of obligations of immediate realisation and those which may be progressively realised.
2. **Should accept as a matter of law:** The recommendation should be accepted because it is consistent with the spirit and intent, and would give greater effect to, implementation of Australia's international human rights obligations.
3. **Desirable to accept to better protect human rights:** Acceptance of the recommendation is not compelled by Australia's international human rights obligations as such but it is desirable that it be accepted so as to better promote and protect human rights.
4. **Should reject as a matter of law:** The recommendation should not be accepted as it is incompatible with international human rights law.

The annexure also provides non-exhaustive details of recommendations that have recently been made to Australia by United Nations human rights mechanisms, such as treaty bodies and special procedures, in relation to each of the UPR recommendations.

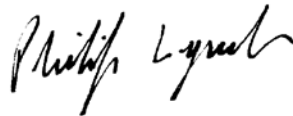
Please contact us should you require any further information or assistance.

Yours sincerely



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Attach