



Universal Periodic Review of Australia

Statement by National Association of Community Legal Centres, Human Rights Law Centre and Kingsford Legal Centre

Thank you Mr President.

This statement is on behalf of a large NGO coalition, including the Human Rights Law Centre, the National Association of Community Legal Centres and Kingsford Legal Centre.

We welcome that Australia has accepted the majority of UPR recommendations, including by committing to enhance anti-discrimination laws and to consider increasing overseas development assistance to 0.7% of GNI. We also welcome the commitment to provide the Council with an interim report and to incorporate UPR recommendations into the National Human Rights Action Plan.

We regret that Australia's response in some areas does not accurately reflect law, policy or practice. For example, there is no Australian jurisdiction in which police related deaths are independently investigated. Australia does not have mechanisms to systematically review and implement recommendations from UN human rights bodies. And mandatory, indefinite, arbitrary immigration detention is provided for by law.

Mr President, we also regret that Australia's response does not meet the need for legal and institutional reform to redress persistent and significant issues documented by UN human rights bodies, the Australian Human Rights Commission and NGOs.

To meet this need, and in accordance with UPR recommendations, we call on Australia to:

1. first, incorporate international human rights into domestic law through a comprehensive Human Rights Act;
2. second, strengthen laws to address systemic discrimination and promote substantive equality;
3. third, fully implement the Declaration on the Rights of Indigenous Peoples and all of the recommendations of the Special Rapporteur on the Rights of Indigenous Peoples; and
4. fourth, legislate to ensure that asylum seekers are detained only where strictly necessary and as a last resort, that no children are held in immigration detention, and that all asylum seekers have equal access to and protection under law.

Mr President, Australia is a democratic, developed state with a strong human rights record overall and a government which espouses its commitment to human rights leadership. Despite this, there are significant gaps in the legal protection and practical realisation of human rights.

The time has come for Australia to move from the rhetoric of best practice in engaging with human rights mechanisms to the reality of best practice in implementing human rights obligations. This Council must demand no less.

Thank you.