

## **AUSTRALIA IN BREACH OF INTERNATIONAL HUMAN RIGHTS LAW – NEEDS TO ADOPT UN’S HUMAN RIGHTS RECOMMENDATIONS**

A legal analysis of the recommendations the Australian Government received at a recent United Nation’s review of Australia’s human rights track record has found that 55 must be implemented immediately in order for Australia to avoid continuing breaches of its legal obligations under international law.

Providing an evaluation of all 145 recommendations received from Australia’s global peers – including the United Kingdom, the United States, Canada, Norway, New Zealand, Ghana, Mexico and South Africa – the Human Rights Law Centre (HRLC) has urged the Government to take urgent steps to comply with international law. This action includes introducing legislation to prohibit discrimination on the basis of sexual orientation and putting an end to its policies of mandatory detention of asylum seekers.

HRLC Director of International Human Rights Advocacy, Ben Schokman, said Australia’s treatment of asylum seekers received significant criticism during the review and was vastly out of step with the international norms.

“Not only do the Government’s regressive immigration policies continue to demean Australia’s moral standing on the world stage, but they also put Australia in clear breach of our international legal obligations,” Mr Schokman said.

A number of the recommendations highlight that Australia is falling behind the developed world in the area of combating discrimination.

“It is clear that as a matter of law, the Australian Government needs to legislate to prohibit discrimination on the basis of sexual orientation. Comparable countries such as New Zealand addressed this in the 1980s, but we have not. Australia is simply not keeping up with social norms or indeed legal standards and obligations, including under the International Covenant of Civil and Political Rights.” Mr Schokman said.

The analysis, prepared by the HRLC’s team of lawyers specializing in human rights and presented to the Attorney-General’s Department, assessed each of the 145 recommendations made to Australia and ranked them into four categories:

- must be accepted as a matter of international human rights law;
- should be accepted as a matter of international human rights law;
- desirable to accept to better protect human rights; and
- should be rejected as a matter of law as it is incompatible with international human rights law.

Mr Schokman said the recommendations should not be seen as a burden, but as a constructive and important opportunity to improve Australia’s human rights record and compliance with international law.

“The UN’s Universal Periodic Review provides the opportunity for Australia to receive frank advice and suggestions from its allies and international partners. We’re talking about practical measures that we could take to better protect and promote human rights in Australia. For example, if implemented, Russia and New Zealand’s recommendations for specific steps to combat the high level of deaths in custody, we might avoid repeating the situations that lead to the death of Mr Ward in Western Australia or teenager Tyler Cassidy in Melbourne,” Mr Schokman said.