



Women's International League for Peace and Freedom
Ligue Internationale de Femmes pour la Paix et la Liberté
Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO, Special Consultative Relations with FAO, ILO, and UNICEF.

Universal Periodic Review (UPR), 10th Session, Australia

Thursday, 27 January 2011, 2.30 p.m. – 5.30 p.m.

Australia presented its National Report, drawing particular attention to the improvements on the rights of Indigenous peoples. The Australian delegation emphasised its efforts to close the gap between Indigenous and non-Indigenous Australians such as reducing the gap in life expectancy, mortality rates for Indigenous children, education and employment. In 2009, Australia had conducted nation-wide human rights consultations with the involvement of several communities in roundtable sessions, in order to discuss national human rights issues. The consultation was the largest consultation of its kind in Australia and shaped the domestic human rights framework. For Australia's UPR, the Australian government consulted the Human Rights Commission and NGOs, organising workshops with NGOs during the course of the year. The Australian delegation also stated that Australia is highly aware of the challenges that the country still faces and thus ensures its commitment to the establishment of a full-time Race Discrimination Commissioner in the Australian Human Rights Commission, providing six full-time Commissioners, the inclusion of the recommendations made by the UN treaty bodies, the endorsement of regulations to review Australia's reservations, and the protection of all human rights in the Asia-Pacific region. The Australian delegation also ensured its commitment to find appropriate mechanisms to meet the Millennium Development Goals (MDG), cooperating with governments and developing countries. During the interactive dialogue, 53 delegations made statements on several human rights issues.

Discrimination against Indigenous Peoples and other Ethnic Minorities

Several countries complimented Australia on its efforts to promote equal rights for Indigenous peoples (i.e. Aborigines and Torres Strait Islanders) and to close the gap between Indigenous and non-Indigenous Australians. Australia was recommended to continue to recognise the rights of Indigenous peoples and to adopt a comprehensive equality legislation at the federal level in consultation with Indigenous peoples, and to effectively implement the UN Declaration on the Rights of Indigenous Peoples, which would ensure full enjoyment of all human rights. In this context, the improvement of the socio-economic conditions of Indigenous peoples should be a main priority, such as access to proper housing and basic services in remote areas, health care, education, legal advice and employment, also providing translation service. The UK recommended Australia to reform the Native Title Act 1993, and to amend requirements which could prevent Indigenous peoples from accessing their traditional land. Some countries saw the provision of compensation to Aboriginal and Strait Islander peoples negatively affected by the assimilation policy, in particular those children who were removed from their families, as vital. The Australian government was also recommended to provide training for officials and law enforcement personnel in order to foster culture sensitivity towards Indigenous communities.

A further issue brought up during the interactive discussion was racism and xenophobia towards certain groups of ethnic minorities, such as people from Africa and India, as well as Muslims. Australia was commended for its human rights framework on ethnic minorities, but

also recommended to update its multi-ethnic policy and to develop a National Action Plan. Some countries expressed their concern about forced bylaw against people with an ethnic minority background, including youth, as observed in prisons. Some countries also called for a systematic fight against racism in media and communications, including cyber-racism against the Arab population (Russia). India was particularly concerned about harassment of Indian students and urged the Australian government to take measures in order to address this. Some countries underpinned the necessity to adopt the Racial Discrimination Act in Northern Territory Act. The government should also offer counselling for victims of violence.

Intervening countries: United Kingdom, Singapore, Algeria, Malaise, Sweden, Canada, Thailand, Indonesia, Cambodia, Nepal, Iran, Pakistan, Hungary, Brazil, France, Moldova, Slovenia, Bolivia, Austria, Colombia, United States of America, Jordan, South Africa, Bosnia and Herzegovina, Yemen, Guatemala, Morocco, Vietnam, China, Russia, India, Malaysia.

Gender Equality

The issues raised predominantly concerned discrimination and violence against women, particular those from Indigenous communities. Australia was commended for its efforts in further strengthening gender equality in the country, but also urged to further reduce gender-based discrimination and violence, ensure greater security for women and children, and to promote the inclusion of women in decision-making bodies at all levels. Some countries recommended Australia to speed up the process of developing a National Action Plan preventing violence against women and their children particularly in Indigenous communities, and to take special measures to effectively apply CEDAW, and to stop sterilisation of women with disabilities. Some countries put emphasis on the inclusion of Territory and local governments for the development process of the National Action Plan. In this regard, some countries urged the government to develop a strategy with particular focus on women with disabilities and Indigenous women. Also of great concern was the lack of services for Indigenous women in remote areas of the country, including legal advice for victims of domestic and sexual violence. Many countries were concerned about family violence especially in Indigenous communities, and urged the Australian government to take special measures to protect women and children, and to prevent and punish perpetrators. Mexico suggested independent supervision mechanisms, which would involve civil society organisations, taking into account the specific situation of Indigenous women.

With the adoption of the Fair Work Act 2009, progress could have been reached in regard to the advancement of women in the socio-economic life. Nevertheless, improvements are still needed in order to ensure greater gender equality and women's leadership in social, political and economic processes. Some countries thus asked Australia to strengthen the Sex Discrimination Act as indicated in the National Report, and to consider the adoption of special measures, recommended by CEDAW. Norway encouraged the Australian government to adopt targets of 40 percent women working in the public and private sector, while Chad further suggested follow-up activities, such as a platform for women, in order to foster women's participation in the political and economic sphere.

Intervening countries: Singapore, Morocco, Japan, Canada, Iran, Nepal, Philippines, Hungary, Botswana, Switzerland, Vietnam, Bolivia, Austria, Germany, Colombia, South Africa, Mexico, Denmark, Israel, Norway, New Zealand, Azerbaijan.

Sexual Orientation

Some countries found Australia's anti-discrimination policy on sexual orientation and same-sex relationships of particular concern. They encouraged Australia to further consolidate the

federal anti-discrimination laws protecting persons against discrimination on the grounds of sexual orientation, to ensure consistency and equality across individual states in recognising same-sex relationships, and to amend the Marriage Act to allow same-sex couples from overseas to get married in the country (Norway).

Intervening countries: United Kingdom, Norway, Switzerland, Colombia, New Zealand.

Children's Rights

Many countries urged the Australian government to strengthen its efforts in protecting children, especially those from asylum seekers and Indigenous children, to establish a National Children's Commissioner, monitoring children's rights in Australia in compliance with the Committee on the Rights of the Child (CRC), and to develop comprehensive child care mechanisms. Violence and child abuse within Indigenous families was of particular concern, and some countries asked for a comprehensive child care policy, as recommended by CEDAW. Australia's practice of holding children of asylum seekers in detention was subject to further criticism by some countries, as those children often live far away from their parents in remote areas. The Australian government was recommended to provide elementary rights to children such as access to health care and education. Some states found it vital to review the mandate of the detention regime and to reduce the length of detention under the Vienna Convention. The main concern was that children could be more exposed to exploitation if the length of detention would not be reduced. Further note was taken on the right of children with disabilities, whereas Australia should implement proper mechanisms for the involvement of children with disabilities in daily life. Some countries also recommended a national legislation, which would disallow non-therapeutic sterilisation of children with disabilities.

Intervening countries: United Kingdom, Canada, Brazil, Vietnam, Germany, Jordan, New Zealand, Poland, Ghana, Ukraine, Israel, Morocco.

Human Trafficking

Australia was recommended to strengthen its efforts in anti-trafficking measures, following the OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking. The US found it critical to increase the efforts to prosecute trafficking offenders, whereas employers and labour recruiters, who subject migrant workers to debt bondage and involuntary servitude, should be prosecuted as well. The Bali process, which was initiated with Australia in 2002, aiming at fighting human trafficking and smuggling, should involve other countries with particular focus on the Asia-Pacific region.

Intervening Countries: Thailand, Canada, Indonesia, Philippines, Azerbaijan, United States of America.

Detention and Police Force

A further issue raised was the inhumane treatment of prisoners. Russia showed its concern about the high level of deaths of Indigenous persons in detention centres, while Austria urged the Australian government to address the issue of overrepresentation of Aborigines in prisons. Australia was further urged to review all deaths in custody and to investigate independent bodies, concerned with the prevention of deaths. Malaysia encouraged Australia to establish appropriate mechanisms investigating the use of police force. Prohibiting the use of excessive force against various groups of peoples and to offer trainings for enforcement law officers was requested. Malaysia called for the establishment of appropriate mechanisms in order to ensure adequate independent investigation of police use of force, police misconduct and police related deaths.

Intervening countries: Hungary, Austria and USA, Iran, Russia, Malaysia, New Zealand.

Rights of migrants, refugees and asylum seekers

Australia was mainly recommended to further strengthen its refugee policy, to safeguard the rights of refugees and asylum seekers, and members of their family, effectively incorporating the law on the rights of migrant workers into domestic legislation. Some countries disapproved the length of detention of migrants. Asylum seekers' claims should be processed in accordance with the UN Refugee Convention, and migrants should only be detained if necessary. Switzerland called for a limit length of six months, whereas detention conditions should be in line with international standards. Furthermore, all refugees and asylum seekers should be included under Australian refugee law. Some countries also requested a revision of the Migration Act 1958, which would not penalise foreign migrants. Several countries referred to UNHCR's criticism of Australia's policy of mandatory detention of asylum seekers and urged Australia to assess the effect of the legislation in force. Refoulement practice was further criticised, as it puts a risk at asylum seekers' lives and their families' lives.

Intervening countries: Algeria, Philippines, Bolivia, Switzerland, Turkey, Timor Leste, Mexico, Argentina, Sweden, Japan, Pakistan, Brazil, Slovenia, Norway, Ghana, Guatemala.

Ratification of Human Rights Conventions

Australia was recommended to ratify all remaining core human rights instruments, such as the Optional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Indigenous and Tribal Populations Convention No. 169. Australia was also recommended to withdraw its reservations to the Convention on the Rights of the Child (CRC) and Article 4 of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Intervening countries: Thailand, Moldova, Mexico, Canada, Argentina, Republic of Korea, Chad, Philippines, South Africa, Bosnia and Herzegovina, Norway.

Counter-Terrorism and Torture

Australia should investigate allegations of torture in the context of counter-terrorism measures, make the findings open to public and bring perpetrators to justice, while providing assistance to victims. When combating terrorism, legislation and methods should be in line with international obligations such as the International Covenant on Civil and Political Rights (ICCPR). Russia recommended a review of the 50 newly adopted laws since 2001 on combating terrorism, whose compliance with Australia's human rights obligations should be scrutinised.

Intervening countries: Moldova, Belgium, Brazil, Russian Federation, New Zealand.

Response from Australian Delegation

The delegation responded that it would continue its commitment to ensure the protection of all human rights, and emphasised that a National Action Plan would be developed by the end of year. The delegation further responded that Australia is enjoying strong connections with other countries concerning human rights, and that one main priority was the adoption of the Convention against Torture (CAT) in May 2009, and to become a party to the Optional Protocol to the Convention against Torture. The delegation referred to the Special Office on

Torture, which was established in 2010.

On the rights of Indigenous peoples, the Australian government referred to its „Closing the Gap“ agenda, which aims to significantly reduce the gap in life expectancy within a generation and in mortality rates for Indigenous children under five by 2018. The delegation further stated that the Racial Discrimination Act 1975 was fully reinstated by legislation passed in June 2010 with extensive consultation of Indigenous peoples. The delegation also confirmed its support of the UN declarations on the rights of Indigenous peoples. In fact, Australia established a national human rights body in 2009, which aimed to involve Indigenous peoples in decision-making processes at all levels. In December 2010, an expert panel was appointed to give its recommendations to the government by 2011, submitting a draft legislation for public comment. In this regard, awareness-raising programs on violence against indigenous peoples would be one of the main priorities.

In terms of racism, Australia responded that it takes the issue very seriously and ensured continuation of full implementing the Racial Discrimination Act, whereas a full-time Race Discrimination Commissioner in the Australian Human Rights Commission would be established. According to the delegation, the government is currently considering the Australian Multicultural Advisory Council's report, which recommends Australia to adopt a new multiculturalism policy. The delegation also condemned racially motivated violence against international students, ensuring that efforts were made to foster cultural diversity. The delegation stated that Islamic education was supported by the government with 119 million dollars of recurrent funding, and that there were 32 self-identified Muslim schools in the country granting Islamic education. On the issue of harassment of international students, the delegation stated that the government considered a students' strategy with 4,3 million dollars of funding to address social marginalisation of international, especially African students.

The delegation acknowledged the equal right of women and men and ensured its commitment to further foster gender equality in the private sector and to advance women's leadership in public and political life. The government admitted that one third of the federal parliament were men, and that the representation of women in key decision-making positions had to be raised to 40 percent. Australia also announced programmes on gender-based violence, which are based on a 12 year joint National Action Plan to combat sexual assault and domestic violence. The delegation further stated that a long-term national approach on children's rights would be developed and a national framework endorsed. Thereby, family law proceedings would be a priority, addressing child abuse and violence against children. The government explained that the establishment of a National Children's Commissioner was currently under consideration.

In terms of detention of migrants, the representative of the Department of Immigration and Citizenship emphasised that the government followed its obligation of not letting people return to countries, where they could be endangered. The delegation further explained that the reason for strong street border control was the unauthorised arrival of many immigrants, which could affect the health of Australian communities, emphasising that detention centres were seen as the last resort for migrants and that efforts were made to grant children and families access to health care service and education. In order to protect refugees, an effective protection framework would be developed in cooperation with regional partners, following international humanitarian principles. In conclusion, the delegation remarked that Australia would continue consultation with the Human Rights Commission and NGOs, develop publicly accessible data-base of human rights treaty bodies and include the recommendations given in this UPR in the new human rights National Action Plan.

Read the full reports [here](#).