Adoption of Universal Periodic Review outcome of Australia
31st Regular Session Human Rights Council (17 March 2016)

*Prof Gillian Triggs, President of the Australian Human Rights Commission*

Thank you Chair.

This statement is made on behalf of the Australian Human Rights Commission, Australia’s ‘A-status’ national human rights institution.

The Commission commends the 110 countries that have made 290 recommendations and acknowledges the Australian Government’s engagement, both with the Commission and with civil society throughout the UPR process. We also welcome the Government’s commitment to a transparent mechanism for monitoring progress in the future.

The Government has accepted about 150 of the UPR recommendations, but has done so on the ground that its laws already address the human rights at issue. The Commission considers that this ‘business as usual’ approach will not ensure compliance with Australia’s human rights obligations.

Current approaches have been inadequate, for example, to reduce the overrepresentation of Indigenous peoples in the criminal justice system. The Commission urges the adoption of targeted strategies and full consultation with Indigenous Australians to close the gap in incarceration rates.

Chair, a common concern of the UPR recommendations was the detention of those with cognitive and other disabilities, juveniles, asylum seekers and Indigenous peoples.

The Commission welcomes the Government’s indication that ratification of OPCAT is being actively progressed. Ratification and implementation of OPCAT should occur as a matter of urgency.

The single issue prompting most UPR recommendations concerned Australia’s asylum seeker laws, especially offshore processing centres. Currently, around 3,000 asylum seekers and refugees remain in mandatory indefinite detention, including 50 children on Nauru and as we have just heard, 35 children in Australia itself. Such indefinite immigration detention violates Australia’s human rights obligations.

In particular, the Government has failed to respond to the mounting medical evidence that prolonged detention causes significant physical and mental harm to children especially in the conditions that prevail in Nauru.

The Commission reiterates its call for strict time limits on all forms of detention and for access to judicial review consistently with the rule of law.

The Commission also notes that Australian law currently permits people to be deported in violation of the fundamental principle of non-*refoulement*.

In conclusion Chair, the Commission is committed to working with the Government in the future to ensure that all UPR recommendations are met fully and are subject to transparent and continuing monitoring processes.

Thank you.