



8 June 2011
Check against delivery

**UN Human Rights Council
Seventeenth session, 30 May – 17 June 2011**

**Item 6:
Consideration of UPR reports**

AUSTRALIA

Mr President,

Amnesty International welcomes Australia's positive engagement with the Universal Periodic Review, including the national consultation undertaken beforehand. We are pleased that Australia has accepted the majority of the recommendations.¹

Amnesty International in particular welcomes Australia's commitment to reflect the Declaration on the Rights of Indigenous Peoples in national law and policy;² to consider becoming party to ILO Convention 169;³ to revise the Constitution to recognize Aboriginal and Torres Strait Island Peoples;⁴ and to review Australia's counter terrorism legislation.⁵

We regret that Australia has rejected recommendations to introduce a Human Rights Act, which is necessary to embed Australia's international human rights obligations in national law. Further, we are concerned that – despite Australia's assurances that it is has been reinstated – the Racial Discrimination Act 1975 has only been partially reinstated and provides no retrospective rights in the Northern Territory.⁶ We welcome Australia's commitment to end discrimination based on sexual orientation or gender⁷, although we regret that Australia has rejected the recommendation to allow same-sex marriages.⁸

¹ A/HRC/17/10/Add.1

² A/HRC/17/10, paragraph 86.24

³ Ibid, paragraphs 86.11-86.12.

⁴ Ibid, paragraphs 86.104-86.106.

⁵ Ibid, paragraphs 86.137-86.140

⁶ Ibid, paragraph 86.24- 86.25

⁷ Ibid, paragraphs 86.66-86.69

⁸ Ibid, paragraph 86.70

Mr President,

Amnesty International has repeatedly raised concern about Australia's treatment of refugees and asylum seekers. We have recently criticized Australia's handling of riots at an immigration detention centre on Christmas Island - including the use of force against asylum seekers - and its pursuit of a bilateral agreement with Malaysia to exchange asylum seekers arriving by boat, which breaches the 1951 Refugee Convention.

We deplore Australia's rejection of recommendations to end mandatory detention of asylum-seekers.⁹ Despite Australia's contention that mandatory detention is based on unauthorized arrival¹⁰, in reality all those who arrive undocumented by boat are asylum seekers and face indefinite detention.

We further regret Australia's partial acceptance of recommendations on the detention of children in immigration facilities.¹¹ According to the Department of Immigration and Citizenship, 1048 children were detained in immigration facilities as of 15 April 2011.

Despite its stated commitment to safeguard the rights of refugees and asylum seekers,¹² Australia's rejection of key recommendations appears to signal a lack of political will to meet its international obligations in this area.

Thank you, Mr President

⁹ Ibid, paragraphs 86.126 and 86.132

¹⁰ Ibid, paragraphs 86.126, 86.127 and 86.132

¹¹ Ibid, paragraphs 86.128-86.129

¹² Paragraph ,