

# Australian Human Rights Commission

## UPR Statement

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 recommendations and acknowledges the Government's engagement with the Commission and 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 raised. 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 people.

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, about 3000 asylum seekers and refugees remain in mandatory indefinite detention, including 50 children in Nauru and 43 children in Australia. Such indefinite immigration detention violates Australia's human rights obligations.

In particular, the Government has not responded to the medical evidence that prolonged detention causes significant physical and mental harm to children especially in the conditions in Nauru.

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

The Commission notes that Australian law 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 to ensure all UPR recommendations are met fully and are subject to transparent monitoring.

Thank you.