

Australia's Human Rights Record Criticised by UN Expert Committee

29 June 2017

Australia has been criticised by an expert United Nations Committee following its appearance before the UN Committee for Economic, Social and Cultural Rights last month.

Last night the UN Committee released its Concluding Observations, a statement outlining its assessment of Australia's performance under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The statement highlighted a range of significant concerns in relation to Australia's treatment of Aboriginal and Torres Strait Islander people and refugees and asylum seekers; a range of policies and measures undermining people's right to an adequate standard of living, including inadequacy of social security and housing and the gender wage gap; education funding and access to culturally appropriate and safe early education programmes; as well as landmark comments on the rights of intersex people.

A coalition of almost 50 Non-Government Organisations (NGOs) that provided information to the Committee as part of the appearance have welcomed the Concluding Observations.

"The Committee recognised positive steps taken by Australia since its last review in 2009, however it also expressed serious concerns about Australia's failure to fully incorporate economic, social and cultural rights into domestic legislation and frameworks as well as across a range of policy areas" said Amanda Alford, Director Policy and Advocacy at the National Association of Community Legal Centres (NACLC), one of the organisations involved in coordinating the NGO coalition.

"We welcome the Committee's observations, including its recognition of the need for a national Human Rights Act or Bill of Rights, something NGOs have been advocating for over many years" added Anna Cody, Director of Kingsford Legal Centre, which was one of the other coordinating NGOs.

The Rights of Aboriginal and Torres Strait Islander Peoples

The Committee highlighted concerns in a range of areas, but one in particular was concern that Aboriginal and Torres Strait Islander peoples 'continue to experience high levels of disadvantage across all socio-economic indicators'.

"Time and time again we see expert reports and UN bodies and representatives expressing extreme concern about the treatment of Aboriginal and Torres Strait Islander peoples in Australia. This is yet another reminder that much remains to be done to address major human rights concerns for Aboriginal and Torres Strait Islander peoples in Australia" said Ms Alford

"The Committee also rightly highlighted that Aboriginal and Torres Strait Islander peoples, communities and organisations must lead development of policies and programs that affect them as well as the need for a funded national representative body" she added.

Refugees and Asylum Seekers

"We welcome the Committee's concluding observations in relation to refugees and people seeking asylum. The Committee's recommendations set out clear and pragmatic steps that the Australian Government can take immediately to improve the rights of people seeking asylum and refugees" said Khanh Hoang from the Australian Lawyers for Human Rights Refugee Rights Subcommittee.

“In particular, we endorse the Committee's recommendations for Australia to end its policy of offshore processing, improve access to family reunion, and to ensure that adequate legal and social support is given to the 'Legacy Caseload' currently seeking protection in Australia" Mr Hoang said.

People with Disability

Therese Sands, Director of Disabled People's Organisations Australia added “we welcome the expert committee's recognition of the high levels of violence against people with disability, particularly women and people with intellectual disability. In doing so, the Committee has joined the growing chorus of voices from civil society calling for a Royal Commission into violence against people with disability. We urge the Government to act swiftly and establish a Royal Commission now”.

Treatment of Intersex Children

The Committee made explicit comments in relation to medical interventions performed on intersex children. “We know that human rights violations including medically unnecessary and harmful surgeries on young children take place across Australia. It is welcome news that, for the first time, the UN has stated that such interventions only take place when intersex children are ‘able to provide full and informed consent’” said Morgan Carpenter, Co-Executive Director of OII Australia.

Government Response and Implementation

“This latest review of Australia's human rights record highlights that the Government has work to do in improving its domestic human rights record if it wants to be taken seriously in its bid for Human Rights Council membership later this year” added Ms Alford.

“As always, NGOs welcome the opportunity to engage constructively with the Government on the issues identified in the statement to ensure the ongoing protection and promotion of human rights in Australia” concluded Ms Alford.

A copy of the Concluding Observations is available here:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAUS%2fCO%2f5&Lang=en

A copy of the submission made by the NGO Coalition as part of the review is available here:

<http://www.naclc.org.au/resources/ICESCR%20Final%20Submission%20May17.pdf>

For more information or to arrange an interview, please contact:

- Amanda Alford, Director Policy and Advocacy, National Association of Community Legal Centres, 0421 028 645
- Khanh Hoang, Australian Lawyers for Human Rights, 0422 401 867
- Ngila Bevan for Therese Sands, People with Disability Australia, 0406192694
- Morgan Carpenter, Co-Executive Director, OII, 0405 615 942

Other contacts:

- Children and Young People: Amy Lamoin, Acting Director of Policy and Advocacy, UNICEF Australia, 0415 386 074
- Housing and Homelessness: Lucy Adams, Manager and Principal Lawyer, Justice Connect Homeless Law, 03 8636 4409