

## Australia in the hot seat at UN human rights review in Geneva

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Australia's human rights performance will face intense scrutiny next week as the Government appears before the Human Rights Council in Geneva for its major four yearly human rights review.

At the "Universal Periodic Review" (UPR) other countries will have the opportunity to question Australia about its human rights record and make a series of recommendations for improvement.

The Human Rights Law Centre's Director of Advocacy and Litigation, Anna Brown, said Australia can expect to face a grilling.

"There's no doubt that Australia's relationship with the UN has taken some blows recently – we had a PM who said Australians were sick of being lectured to by the UN, we've had a UN investigator forced to cancel a visit to Australia due to a lack of cooperation from the Government – so we really need to make the most of this opportunity to repair the damage," said Ms Brown.

Earlier this month Australia launched its campaign for a spot on the UN Human Rights Council, the same body conducting the review.

"Given this is the very council that Australia is currently campaigning to get a spot on, it's essential that the Government take the process seriously and engages constructively," said Ms Brown.

The HRLC and the National Association of Community Legal Centres (NACLC) are coordinating a coalition of nearly 200 organisations which has prepared materials for UN member states and briefed representatives from various countries in Geneva ahead of the review.

NACLC's Director of Policy and Advocacy, Amanda Alford, said the four yearly review presented an important opportunity for Australia to address its steadily deteriorating human rights record in some key areas.

"Unfortunately, the Australian Government has only fully implemented 10% of the recommendations that it accepted as part of the last UPR. Next weeks' review provides a key opportunity for the Government to recommit to human rights and the UN system and to ensure that our international leadership on a range of human rights issues is matched by meaningful domestic implementation", said Ms Alford.

Increasingly punitive asylum seeker policies, the over-imprisonment of Aboriginal and Torres Strait Islander people and the erosion of basic democratic freedoms at both the state and federal level are likely to come under the spotlight.

**The review will take place next Monday afternoon in Geneva, approximately 12am to 4am Tuesday 10 November (AEST).** Australia's appearance can be viewed live via [webcast](#) and a number of NGOs will be tweeting about it using the hashtag #AusUPR.

### *Refugee and asylum seeker issues*

"There are more people in need of protection than ever before. Wealthy developed nations like ours need to be respecting international law and sharing responsibility, not breaching international law in order to shift responsibility elsewhere," said Lucy Morgan, Senior Policy Officer, Refugee Council of Australia.

"We should be part of the solution, but closing our doors and turning people away makes us part of the problem," added Ms Morgan.

### *Aboriginal and Torres Strait Islander Peoples*

"Fifty-four recommendations from the 2011 Universal Periodic Review report directly related to the human rights of the Aboriginal and Torres Strait Islander Peoples," said Les Malezer, Co-Chair of the National Congress of Australia's First Peoples.

"Australia accepted all but two of these recommendations – in full or in part – but has not followed up in good faith. Seven recommendations specifically proposed that Australia consult and cooperate with the Aboriginal and Torres Strait Islander Peoples but engagement is a glaring failure of Government up to this time," added Mr Malezer.

The National Congress of Australia's First Peoples is advocating that Australia must revise national, regional and local constitutions, laws and policies to fully recognise and protect the rights of the Indigenous Peoples.

#### *People with disability*

Advocates will also be raising a number of human rights violations still faced by people with disability.

"People with disability can experience violations such as forced sterilisation, indefinite detention, involuntary treatment or restrictive practices. Unless action is taken to address these violations we will continue to be denied equality and the ability to fully participate in society," said Ms Christina Ryan, spokesperson for the UPR Disability Coordination Group.

#### *Lesbian, gay, bisexual, transgender and intersex people*

"Two years after Australia agreed to protect LGBTI people from discrimination at the Universal Periodic Review, laws were passed with bipartisan support, showing how this process can deliver tangible outcomes when Government engages with NGOs," said Mr Corey Irlam, spokesperson for the Victorian Gay & Lesbian Rights Lobby.

"This time round we're hoping to see commitments to end damaging medical interventions against intersex people, further steps taken to recognise gender identity, and equality for our relationships and families," added Mr Irlam.

#### *Women*

"The Australian government has shown leadership in identifying gender inequality as the root cause of domestic violence and sexual assault, and we welcome the recent Women's Safety Package. However, we urgently need additional and sustainable resourcing for the full range of programs and services that can support women and children, together with concerted efforts to empower women economically and give women accessible legal options," said Liz Snell, Law Reform and Policy Co-ordinator at Women's Legal Services NSW.

"Legislative protection is required in family law so that women are not forced to be directly cross-examined by their abusive ex-partner. Women tell us this has a devastating impact on them and often results in them choosing to settle their family law matters on less than satisfactory terms. Safety in family law must be a priority," added Ms Snell.

#### *Older people*

Over 40,000 recommendations have been made during the Universal Periodic Reviews of all countries since it started in 2008, yet in this time only 27 recommendations have related to the rights of older people.

"The need for human rights protections doesn't stop when you get older," said Ian Yates, Chief Executive of COTA Australia.

"We hope the UPR process will support the growing calls for the Australian Government to provide national leadership on the issue of elder abuse and be a more active voice in the international discussion of how to improve the rights of older people globally, including support for a Convention on the Rights of Older People." added Mr Yates.

#### *Poverty and social security*

"Despite twenty years of economic growth, 2.55 million people are living in poverty in Australia. Our social security system is failing to protect at risk groups from poverty, including people who are unemployed, people with a disability and single parents. We can do much better. To meet our human rights obligations requires an increase to the unemployment payment, greater assistance to single parent families and indexation changes to secure adequate payments into the future", said Dr Cassandra Goldie, ACOSS CEO.

#### *Homelessness*

"Homelessness continues to rise in Australia with over 105,000 homeless Australians, including 18,000 who are under 12. Not only does Australia lack a coordinated strategy for generating an adequate supply of housing, but we continue to enforce laws that have the effect of criminalising homelessness and poverty," said Lucy Adams, Manager and Principal Lawyer, Justice Connect Homeless Law.

"This is an opportunity for Australia to be reminded that homelessness is a human rights issue and to commit to addressing homelessness and criminalisation, and the personal, social and economic toll they take", added Ms Adams.

#### *Further background*

The Human Rights Council is equivalent of the human rights parliament of the United Nations, with 46 member states. Australia has launched a bid for candidacy to become a member of the Council in 2018.

The Australian Government submitted its [report](#) for the UPR in August and is appearing before the Council in Geneva on 9 November. The 'interactive dialogue' will take place next Monday afternoon in Geneva, approximately 12am to 4am Tuesday 10 November (AEST).

You can watch Australia's appearance live via [webcast](#) and follow the appearance on Twitter using the hashtag #AusUPR.

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## Australia's Human Rights Score Card

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