

Universal Periodic Review Working Group – 23rd Session

Universal Periodic Review of Australia

Opening Statement by Australia

HE Mr John Quinn: Thank you Mr President. Excellencies, distinguished delegates, civil society representatives. Australia appreciates the opportunity to appear before the UPR Working Group. We thank you all for your engagement today with Australia's review.

Australia strongly supports the UPR process as an important opportunity for all UN Member States to cooperate, collaborate and share ideas. The UPR provides invaluable impetus to work collectively to improve the human rights situation in all corners of the world, recognising our diversity, and that a "one size fits all" approach is not the best way forward.

The UPR also provides a framework for the Australian Government to deepen our engagement with civil society and the Australian community on human rights. Australia thanks our National Human Rights Institution, the Australian Human Rights Commission, and civil society organisations for their involvement to-date, including on Australia's national report.

The Australian Government welcomes a vigorous, wide-ranging and balanced human rights debate in Australia and will work closely with the Australian Human Rights Commission and civil society in the follow-up to today's dialogue. We value the contributions, expertise and dedication of these human rights defenders, and our positive relationship with them, even if we don't always see eye to eye.

The breadth of representation in Australia's delegation today demonstrates our commitment to the UPR process, with relevant experts from across the federal government, including:

- the Department of Immigration and Border Protection
- the Indigenous Affairs Group and the Office for Women within the Department of the Prime Minister and Cabinet
- the Department of Social Services
- the Department of Foreign Affairs and Trade, and
- the Attorney-General's Department

I am also pleased to welcome the Hon Philip Ruddock MP and Senator Anne McEwen as part of Australia's delegation.

As you've mentioned Mr Vice-President, Mr Ruddock and Senator McEwen are the current Chair and Deputy Chair of the *Human Rights Sub-Committee* of the Australian

Parliament's *Joint Parliamentary Standing Committee on Foreign Affairs, Defence and Trade*. Mr Ruddock is also chair of the *Parliamentary Joint Committee on Human Rights*.

Mr Vice-President, Australia has a long tradition of robust commitment to human rights and supporting and promoting human rights internationally. This includes a long history of positive and constructive engagement with the UN human rights system. We believe that the protection and promotion of human rights is an essential component of a rules-based global order upon which lasting peace, security, freedom and dignity for all depend.

Australia is a lively constitutional democracy, founded on the rule of law with a strong tradition of respect for the rights and freedoms of individuals. As a federation, responsibility for implementation of Australia's human rights obligations is split between the federal and state and territory governments. Within each of these jurisdictions and at every level a framework of laws and institutions promotes and protects human rights. This framework includes an independent judiciary, statutory oversight mechanisms and human rights commissions at the federal and state and territory levels.

Human rights issues in Australia are also the subject of a spirited debate, underpinned by robust media and NGO reporting and commentary. Different views, and the ability to express them freely, are natural in a healthy democracy. The Australian Government thus welcomes the contribution of civil society and NGOs to our democracy, and in particular the expertise and dedication they have brought to this UPR cycle.

Mr Vice-President, Excellencies, the Australian Government has sustained over many years a firm commitment to international efforts to improve human rights in our Indo-Pacific region and across the world.

We actively engage with the UN human rights system, and since our first UPR cycle in 2011 Australia has appeared before the Committee on the Rights of the Child, the Committee Against Torture and the Committee on the Rights of People with Disabilities. Australia is a strong advocate for the global abolition of the death penalty.

Australia is proud to be seeking a seat on the Human Rights Council from 2018-2020 to strengthen this global leadership role.

Australia is also a leader in our own region on promoting human rights through our longstanding commitment to the provision of technical assistance to countries in the Asia Pacific, and ongoing bilateral human rights dialogues with China, Laos and Vietnam.

Mr Vice-President, I now would like to invite Mr John Reid of the Attorney-General's Department to outline some key positive developments since 2011, as well to flag some of our continuing human rights challenges. Thank you sir.

Mr John Reid: Mr Vice-President, Excellencies, as outlined in our National Report, Australia remains committed to protecting and promoting human rights both at home and abroad.

Since our last appearance before this Working Group in 2011, we have progressed and we have implemented a range of rights initiatives, building on the recommendations Australia then received. We have created a National Disability Insurance Scheme. We have introduced national protections from discrimination on the grounds of sexual orientation, gender identity and intersex status. We have appointed the first National Children's Commissioner. We have established a Royal Commission into Institutional Responses to Child Sexual Abuse. We have committed to Australia's National Action Plan to Combat Human Trafficking and Slavery 2015-19, and we have established the Parliamentary Joint Committee on Human Rights to assess laws for compatibility with human rights obligations.

Despite Australia's long and positive human rights record, genuine challenges remain. The Australian Government is committed to meeting those challenges and taking the necessary steps to maintain existing standards. For example, the gap between Indigenous and non-Indigenous Australians in key life indicators remains unacceptably wide. There remains work to be done to create substantive gender equality and to ensure women and children are free from violence and from abuse. And internationally, irregular migration flows pose particular, but shared, challenges to a managed and equitable system of migration.

In the face of such challenges, Australia's strong border protection measures have played a key role in enabling the Government to maintain meaningful and significant humanitarian settlement and assistance programs. Such strong policies have also ensured public confidence in a well-managed migration program. But most importantly, Australia's measures have saved lives at sea.

In recognition of the need for all countries to continually strive for better protection and for greater promotion of human rights, and as part of our Government's positive engagement with this important process, I am pleased today to announce the Australian Government's voluntary commitments.

First, the Australian Government is committed to holding a referendum to recognise Aboriginal and Torres Strait Islander Australians in the Australian Constitution in the next term of Parliament. The government will undertake a national consultation process to ensure all Australians, and especially Aboriginal and Torres Strait Islander peoples, have an opportunity to engage in this important national conversation.

Second, Australia commits to resettling 12,000 refugees fleeing conflict in Syria and Iraq. This assistance is part of an additional \$44 million Australia is contributing to the ongoing humanitarian crisis in Syria. Australia's overall contribution to this crisis now amounts to some \$230 million since 2011 and will allow Australia to provide humanitarian support to more than 240,000 Syrian and Iraqi people who have been forced to flee their homes or seek refuge in neighbouring countries.

Third, the Australian Government commits to addressing the scourge of family violence. A \$100 million package of measures announced on 24 September 2015 will provide a safety net for women and children at high risk of experiencing violence. The package will improve frontline support and services, leverage innovative technologies to keep women safe, and provide education resources to help change community attitudes to violence and abuse. The package includes \$21 million for specific measures to help Indigenous women and communities.

Fourth, Australia commits to improving the way the criminal justice system treats people with cognitive disability who are unfit to plead or found not guilty by reason of

mental impairment. As part of this, the Government commits to a national effort to analyse existing data and develop best practice resources for our jurisdictions.

Fifth, Australia commits to taking further steps to strengthen advocacy for the worldwide abolition of the death penalty. This will be informed by the outcomes of a recently established inquiry being undertaken by our Parliament. As Chair of that Committee undertaking the work, Mr Ruddock will provide additional remarks on that important inquiry.

Sixth, Australia commits to promoting and protecting the rights of older people internationally by modelling and advocating better use of existing UN human rights reporting mechanisms. Australia commits to including a dedicated section on the rights of 'older Australians' in all relevant human rights treaty and UPR reports. Australia will seek to have the rights of older persons reflected in UN resolutions and we will encourage existing Special Rapporteurs to consider the application of their mandate to older persons in close collaboration with the Special Rapporteur on the enjoyment of all human rights by older persons.

Seventh, Australia will continue taking steps to end unlawful discrimination on the grounds of sexual orientation, gender identity and intersex status under Australian law. The Australian Government commits to removing exemptions for Australian state and territory laws from the operation of Australia's national anti-discrimination laws. This commitment will take effect from 31 July 2016.

Eighth, Australia commits to supporting the protection and promotion of human rights through its foreign aid program by promoting prosperity, reducing poverty and enhancing stability. We welcome the adoption of the 2030 Agenda for Sustainable Development and affirm our commitment to advancing this agenda.

The Australian Government commits to applying its *Development for All: 2015-2020* strategy to strengthen disability-inclusive development and our international *Indigenous Peoples Strategy 2015-2019* to advance the interests of indigenous peoples in Australia and around the world.

And finally, the Australian Government commits to work with Australia's National Human Rights Institution, the Australian Human Rights Commission, to develop a public and accessible process for monitoring Australia's progress against UPR recommendations. This will include a periodic statement on progress against the recommendations on behalf of the Australian Government. Australia will also designate a standing national mechanism to strengthen Australia's overall engagement with UN human rights reporting.

Mr Vice-President, Excellencies, Australia's system of Government is grounded in the supremacy of a Parliament that is comprised of democratically elected representatives. Australia does not intend to fundamentally alter this system through the creation of a human rights act or any amendment of existing guarantees in Australia's Constitution.

Rather than a constitutional or statutory bill of rights, the protection of human rights in Australia is led through the law making and executive power of elected parliamentarians. Since 2012, nearly all legislation introduced into the federal Parliament has been required to be accompanied by a Statement of Compatibility with human rights. Statements of Compatibility are considered by the Parliamentary Joint Committee on Human Rights.

I would like to welcome the Chair of that Committee, the Hon Philip Ruddock MP, to share his experience leading this important work. Relevantly to the work of this Group, Mr Ruddock has previously served as Australia's Attorney-General, Minister for Immigration and Minister for Indigenous Affairs.

The Hon Philip Ruddock MP: Mr Vice-President, thank you for the opportunity to make some comments in my capacity as Chair of two Parliamentary Committees of our Australian federal Parliament that are concerned with human rights.

I chair the Parliamentary Joint Committee. It consists of members of both upper and lower houses of Parliament and they are drawn from all of our political parties, or from across the political spectrum. The main focus of the Committee's work is scrutinising Bills and legislative instruments for compatibility with human rights. The Committee assesses whether human rights are engaged, and if so, whether they are promoted or limited by the legislation.

Recognising that views on human rights can be contested, we seek to engage in dialogue with Ministers and other members of Parliament to ensure that questions of human rights compatibility are fully explored. The Committee then reports to Parliament its findings.

The Joint Committee on Human Rights and the requirement for laws to be accompanied by a Statement of Compatibility are fundamental in supporting a culture of accountability and transparency when it comes to human rights in Australia. These measures inform parliamentary debate and encourage consideration of human rights in the development of policy and legislation.

Additionally, I am privileged to chair the Human Rights Subcommittee of the Australian Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade.

Together with my Deputy Chair, Senator Anne McEwen, we are currently undertaking a significant inquiry on Australia's advocacy for the abolition of the death penalty internationally. Australia formally abolished the death penalty in 1984, with no executions since 1967, and has a longstanding policy of opposition to the death penalty wherever it arises. Australia strongly supports the Second Optional Protocol to the International Covenant on Civil and Political Rights and actively promotes the abolition of the death penalty. This issue is of great importance for the federal Parliament and the Australian public. It is a pleasure to introduce my deputy, Senator Anne McEwen who will further elaborate on our Committee's role.

Senator Anne McEwen: Vice-President, Excellencies. The Subcommittee is considering the effectiveness of Australia's current international engagement to promote abolition of the death penalty and how Australia can better promote this agenda. This includes, among other things, engaging with international institutions and likeminded countries, cooperating with non-Government organisations, and utilising any and all appropriate diplomatic avenues. The Subcommittee has sought submissions from the public and will report to the Australian Parliament shortly on the ways in which Australia can bring about a change in this important area.

The Subcommittee is also undertaking an inquiry into challenges facing women and girls of the Indian Ocean – Asia Pacific region. A focus on women and girls is vital to the advancement of human rights, economic development and peace and stability in Australia's region. Women make up the majority of the world's poor and too often are subject to violence, denied access to education and excluded from political processes.

The Subcommittee is investigating barriers and impediments to enhancing the human rights of women and girls, especially regarding the impact of family and sexual violence, women's leadership and economic opportunities.

We are also reviewing the achievements to date in advancing human rights in these key areas and implications for economic and social development in the region of promoting women and girls' human rights. Thank you.

HE Mr John Quinn: Thank you Senator McEwen, Mr Ruddock and Mr Reid. That concludes our introductory remarks. Mr Vice-President, I would like to thank all again all members who are participating in this review and welcome your presentations. The delegation will attempt to respond to issues raised to the extent possible in the time available.