

# United Nations UPR of Australia – Human Rights Review

Geneva- Mon 9/11/15

One hundred and ten countries spoke at Australia's session in Geneva overnight, putting forward 300 recommendations for the country to improve its human rights record. Because of the large number of countries who wanted to comment on Australia – more than half of the countries of the UN – each nation had only 65 seconds in which to address the broad issue of Australia's human rights regime.

Countries who do not normally comment lined up on Australia's human rights record. More than 100 country representatives were critical of Australia's policies during the review including Sweden, Norway, Canada, Fiji, France, Germany and Switzerland.

**Over 75 per cent of recommendations** from countries were focused on the treatment of asylum seekers and the use of off shore detention centres. But there were serious concerns raised **about Indigenous health, education, housing and employment**. Countries including Ireland, Norway, Denmark, Canada, Uruguay, Kenya and Paraguay flagged the overrepresentation of Indigenous Australians in the criminal justice system.

Australia was strongly criticised for not signing off on **the OPCAT (Optional Protocol for Convention On Torture and Degrading Treatment)**. Bangladesh pointed out that Australia had only *implemented only 10* of the 145 recommendations from the last UPT review.

These are some of the other issues raised:

- the high level of violence against women
- Spread of Islamophobia.
- Racism
- Acknowledgement of Indigenous people in constitution
- Incarceration of Indigenous young people-
- Sterilization of disabled women

Here are some summaries of some of the countries' recommendations;

**Indonesia** – with whom relations have been strained over Australia's asylum boat turnbacks – **urged Australia to "ensure that the issues of refugees and asylum seekers are addressed in line with the principles of the Bali process and Australia's other human rights obligations"**.

**India**, a country to where Australia tried to return 157 Sri Lankan asylum seekers, said Australia **should review its mandatory detention policies and ensure refugees were never sent back** to places where they might face persecution.

**France** called for Australia to **"develop alternatives to the mandatory detention of asylum seekers, especially when dealing with children"**.

**Germany's** representative said Australia should **"critically review" offshore processing on Nauru and Manus Island...** recommended Australia **"remove children and their families, and other individuals at risk – in particular survivors of torture and trauma – from immigration detention centres"**.

**Bangladesh** said Australia's response to migrant arrivals had **"set a poor benchmark"**, calling for the **repeal of mandatory detention for asylum seekers** –also concerned by "firsthand reports of **discrimination and racism, particularly associated with Islamophobia**".

**The United States** encouraged Australia to **"ensure humane treatment and respect for the human rights of asylum seekers, including those processed offshore in Papua New Guinea and Nauru,"**

Processing of refugees and asylum seekers should be **"closely monitored"**, though it stopped short of calling for the offshore centres to be closed. .

**North Korea's** representative said his country was "seriously concerned at **continued maltreatment of and violence against the refugees and asylum seekers**".

Iran expressed its "**deep concern about the mandatory immigration detention regime**".

And **China** said Australia should **safeguard the human rights of "all refugees and asylum seekers who reach Australian shores"**.

**Russia** pointed out that Australia had fully **implemented** just **10 per cent of the 145 recommendations it had accepted from that review** – a statistic it plucked from this year's report by the Australian Human Rights Commission.

The **United Kingdom** said Australia's **Joint Parliamentary Committee on Human Rights should be tasked with overseeing and implementing the UN's human rights recommendations**.

**Sweden's** delegate told the UN session Australia was **the only country that used offshore processing and mandatory detention of irregular immigrant**.

**Turkey's** delegate "We remain **concerned about Australia's protection of the rights of migrants, especially of women and children at offshore facilities**

Norway said. "**Norway remains concerned about reported conditions for asylum seekers detained in offshore processing centres. Norway recommends that asylum seekers claims are processed in accordance with the UNHCR convention,**"

## **Responses**

The Australian Delegation was led by Phillip Ruddock and Senator Anne McEwen. Steve McGlynn spoke on behalf of Immigration Department and Andrew Goledzinowski, is Australia's ambassador for people smuggling issues. They responded to the criticisms from countries.

### **Steve McGlynn said**

*Australia was committed to strong border protection measures – and a "critical element is to send a clear message that people smugglers do not offer a path to Australia". Fewer asylum seeker boats were attempting to reach Australia, so the policy had "saved countless lives at sea", by damaging the people smuggler trade, he said. The drop in boat numbers meant Australia was able to resettle more refugees through other channels. Mandatory immigration detention was "viewed by Australia as vital to ensuring the integrity of our migration and visa programs", he said. As of September 30 there were 2044 people in immigration detention and 113 children in 'alternative detention', down from a peak of almost 2000 in 2013.*

### **Andrew Goledzinowski, said**

Australia had "experimented with the free arrival of asylum seekers by boat", which had led to people smuggling networks mobilising a flotilla of more than 800 boats. "The seas around Australia are wider, deeper and more dangerous than even the Mediterranean," he said. "More than 1200 people of whom we are aware died in the attempt to reach my country." "Those who criticise (Australia's) policy positions need to appreciate the reasons (for them)." "Regional processing "allows us to save lives", he said.

**Mr Ruddock** said he thought it was "a very positive performance by Australia and very well-received".

Professor Gillian Triggs, president of the Australian Human Rights Commission, said *there had been recognition of schemes such as the NDIS and the Children's Commissioner.*

**But there were "definitely common themes" of concern/ "About 75 per cent of recommendations were about detention centres, mandatory detention especially in relation to children and the stop-the-boats policy that failed to recognise the rights of asylum seekers... that was probably the majority view,"**

There is real ***international concern about Australia's asylum-seeker policies***... (there is) a disappointment that we have strayed from our international obligations."

She said ***Australia's response in the room had been, at some points, "deeply misleading"***.

Another observer, Professor Sarah Joseph of Monash University's Castan Centre for Human Rights Law, said Australia would find it hard to reject the very specific recommendations of the Council.

"Given the sheer number of recommendations, this is going to be another point of pressure on the government," she said.

The HRC's recommendations from the review will be made public on Thursday. They are not binding under international law.