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Joint written statement* submitted by the Human Rights Law Centre and the National Association of Community Legal Centres, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Australia's mid-term response to UPR recommendations*

Statement by Australian NGO Coalition¹

In June 2011, Australian NGOs welcomed Australia's decision to incorporate some of the UPR recommendations into a National Human Rights Action Plan.

NGOs welcome Australia's positive action on a handful of UPR recommendations, including establishing a National Children's Commissioner² and introducing a National Disability Insurance Scheme.³

We also welcome the National Human Rights Action Plan released in December 2012. However, we are still concerned with several key aspects. Only 9% of action items contain performance indicators and only 35% identify a timeframe for implementation. Some action items are also inconsistent with human rights standards.⁴ This limits the National Action Plan's effectiveness and ability to improve the human rights situation on the ground in Australia.

We are disappointed that in some areas the human rights situation has regressed since Australia's UPR appearance.

In March 2013, the Federal Government deferred indefinitely a longstanding commitment to consolidate and strengthen federal anti-discrimination laws. This commitment was a central component of Australia's 'Human Rights Framework' and commitments made during Australia's UPR appearance. The reforms would have enhanced access to justice for disadvantaged groups and improved fairness and equality for all Australians. The delay was met with extreme disappointment by community and human rights groups.

Australian NGOs are also deeply concerned that the human rights situation for asylum seekers and refugees has further deteriorated. Australia has re-introduced off-shore processing, continued the detention of children, and introduced a policy of 'screening out' asylum seekers arriving from particular countries before their refugee claims are properly processed.

Indigenous organisations and representatives are particularly concerned that no adequate steps have been taken to consult with Indigenous communities about the implementation of UPR recommendations relevant to them.

There is a need for independent monitoring of the National Plan to Reduce Violence against Women and their Children with input from civil society.

* The Kingsford Legal Centre, an NGO without consultative status, also shares the views expressed in this statement.

¹ This statement has been prepared by the Human Rights Law Centre, the National Association of Community Legal Centres and Kingsford Legal Centre, who were jointly responsible for the preparation and coordination of the Joint NGO Submission endorsed by 68 organisations (Submission "JS1" in the Summary of stakeholders' information, UN Doc A/HRC/WG.6/10/AUS/3, 11 November 2010).

² UPR Recommendations 28 and 29.

³ UPR Recommendations 40 and 41.

⁴ For instance, Australia has listed the Stronger Futures regime as positive action in items 110 and 113 of the National Action Plan, when there is evidence these measures were not developed with the free, prior and informed consent of Aboriginal and Torres Strait Islander people.

Australia is due to review the Human Rights Framework in 2014 to assess its effectiveness in the promotion and protection of human rights in Australia. Australian NGOs recommend that Australia strengthen and enhance the Human Rights Framework and enact a comprehensive, fully justiciable federal Human Rights Act or Bill of Rights.
