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# AUSTRALIA'S 2015 UNIVERSAL PERIODIC REVIEW WITH THE UN HUMAN RIGHTS COUNCIL

In 2015 Australia underwent its Universal Periodic Review with the UN Human Rights Council.

## > WHAT IS THE UN HUMAN RIGHTS COUNCIL?

The Human Rights Council (HRC) is an intergovernmental body made up for 47 member states elected by the UN General Assembly. The HRC is responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations.

The HRC provides advice, training and support to national governments in order to implement acceptable human rights standards, as well as serving as the main global forum for dialogue on human rights issues.

The Human Rights Council, a United Nations body is different to the Australian Human Rights Commission, which is an Australian Government statutory authority.

## > WHAT IS THE HRC UNIVERSAL PERIODIC REVIEW?

A primary task for the HRC is the publication of a Universal Periodic Review (UPR), assessing the human rights record of all 193 member states. The goal of the Universal Periodic review is to continually improve human rights situations in every member state and to allow human rights violations to be addressed.

The UPR was created in the same UN General Assembly resolution as the Human Rights Council itself. The resolution mandated that the Human Rights Council “Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States”. Three reports make up the UPR for each nation state:

**1** A national review presented by the state under review, including information on both achievements and challenges

**2** An Office of the High Commissioner for Human Rights (OHCHR) review based on information received by treaty bodies and UN documents

**3** A summary of other credible information provided by stakeholders such as NGO's and other human rights organisations.

The UPR occurs once every four years for each member nation state on a rotating schedule. During the first cycle from 2008 to 2012, 48 member countries were reviewed each year. The second cycle sees 14 countries reviewed each cycle, or 42 annually.

# > HOW DID AUSTRALIA PERFORM DURING ITS PREVIOUS UNIVERSAL PERIODIC REVIEW?

Australia actively engages in the international human rights system and thus extended a standing invitation to be evaluated through the Universal Periodic Review process against the human rights commitments, standards and obligations that it has previously endorsed.

Australia last appeared before the Human Rights Council's for UPR review in January of 2011. 53 countries asked questions regarding Australia's human rights record, covering a wide range of areas from indigenous issues, treatment of asylum seekers to people smuggling. Out of the 145 recommendations made, Australia pledged to adopt over 90% either in full or in part.

The Australian Human Rights Commission was broadly positive of Australia's involvement and outcomes, praising Australia for its "frank and robust engagement in the UPR process" as well as the voluntary commitments made. However, they expressed concern with detention practices, explicitly naming "conditions in immigration detention facilities, the excessive timeframes for which people are being held in detention, the mental health impacts of indefinite detention, and the ongoing detention of hundreds of children in immigration detention facilities"

## > AUSTRALIA'S 2015 UNIVERSAL PERIODIC REVIEW RESULTS

In the 2015 review, Australia's efforts in areas such as improving the rights of LGBTI and disabled people were broadly commended, however concerns over Australia's treatment of asylum seekers and indigenous population dominated the session.

Although the Australian government has demonstrated leadership on issues of human rights in the past, the ongoing issues with policies in offshore processing, mandatory detention and boat turn backs regarding asylum seekers have continued to damage Australia's international reputation and have raised considerable attention. Moreover, the continuing gap between Indigenous and non-indigenous people in a wide variety of indicators such as health and education prompted the international community to urge Australia to prioritise and address the disparity in Indigenous welfare.

Out of the 290 recommendations made during the review, Australia's permanent representative John Paton Quinn reported that Australia had carefully considered the recommendations and had accepted 150, noting the remaining 140. Although a relatively positive outcome, the Australian Human Rights Commission called on the Australian Government to reconsider its 'business as usual' approach to improve the country's human rights performance in these areas, as the recommendations that had been accepted were grounded in the notion that existing laws already addressed the concerns raised, and current approaches had proved inadequate in closing the gap and protecting the rights of asylum seekers.

The Australian Government will need to pay particular attention to these issues if Australia is to win a seat on the Human Rights Council in 2018.



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