

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Australia: Amnesty International calls on Australia to reduce Indigenous incarceration rates and protect refugees and asylum-seeker rights**

#### ***Human Rights Council adopts Universal Periodic Review outcome on Australia***

As in 2011, there were two critical human rights issues that dominated Australia's second UPR: the pervasive disadvantage experienced by Aboriginal and Torres Strait Islander Peoples and Australia's treatment of refugees and asylum seekers.

Disappointingly, Australia has made no substantial progress on these two human rights issues since its last review. In fact, only a fraction of the recommendations were implemented from the previous UPR in 2011.<sup>1</sup> Amnesty International urges Australia to adopt and implement a practical mechanism to ensure that successive governments take responsibility for UPR outcomes.

Indigenous young people are hugely overrepresented in juvenile detention in Australia. This is caused by the ongoing disadvantage experienced by Aboriginal and Torres Strait Islander Peoples that has its origins in colonial Australia - the dispossession of land, the dislocation of communities, and the trauma their families still experience. To begin the work needed to help Indigenous young people thrive in their communities and stay out of the justice system, all levels of government in Australia should set measurable targets to significantly reduce Indigenous incarceration rates. In this regard, Amnesty International is deeply concerned that Australia has rejected recommendations to raise the minimum age of criminal responsibility even to 12 years and to repeal mandatory sentencing.<sup>2</sup>

In line with recommendations made during its UPR, Australia must ensure protection of the rights of all asylum-seekers and refugees in detention, including in "offshore processing centres" in Nauru and Papua New Guinea, which are financed and effectively controlled by Australia.<sup>3</sup> International human rights organisations and journalists must be granted access to these centres.

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<sup>1</sup> Australian Council of Human Rights Authorities, *Australia's Universal Periodic Review Progress Report 2014*, <https://www.humanrights.gov.au/sites/default/files/document/publication/upr-progress-report-2014.pdf>, p. 3

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Australia*, A/HRC/31/14, 13 January 2016, recommendations 136.174 (Czech Republic), 136.176-136.179 (Denmark, Lithuania, Iceland, Uruguay) and 136.201-136.202 (Botswana, Norway); Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Australia (Addendum)*, A/HRC/31/14/Add.1, 29 February 2016, paras. 48 and 53.

<sup>3</sup> A/HRC/31/14, recommendations 136.263 (Slovenia), 136.269-136.272 (Ghana, Norway, Sweden, Switzerland), 136.240 (Greece), 136.241 (Republic of Korea), 136.280 (Slovenia), 136.265 (Rwanda), 136.266 (Democratic People's Republic of Korea); A/HRC/31/14/Add.1, para. 62.

Amnesty International maintains that “offshore processing” violates Australia’s obligations towards asylum-seekers and refugees, including children. Despite evidence of sexual assault, attempted suicide, self-harm, mental illness, and lack of access to decent medical care for pregnant women and babies,<sup>4</sup> Australia continues to claim that these places are fit for purpose and has rejected all recommendations calling for an end to “offshore processing”.<sup>5</sup> Australia has also enacted a law to prevent reports of abuse being made public.<sup>6</sup>

Australia’s treatment of refugees sets a dangerous precedent in the Asia-Pacific region and beyond. The government cannot pick and choose whose human rights it will protect. Human rights are inalienable and must be upheld in all circumstances, for all people.

### **Background**

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Australia on 17 March 2016 during its 31<sup>st</sup> session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International also submitted information in advance of the review in November 2015:

<https://www.amnesty.org/en/documents/asa12/2278/2015/en/>

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<sup>4</sup> Manus Inquiry Report: clear failure to protect asylum seekers a glaring omission, at: <http://www.amnesty.org.au/news/comments/34662>

<sup>5</sup> A/HRC/31/14, recommendations 136.276-136.279 (Maldives, Kenya, Brazil, Luxembourg) and 136.290 (Turkey); A/HRC/31/14/Add.1, para. 62.

<sup>6</sup> On 1 July 2015, a new law, introduced as part of the Border Force Act 2015, came into place giving the government the power to prosecute doctors, nurses and child welfare professionals who speak out about human rights abuses in immigration detention.