



8 July 2021

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Oral Statement

Item 6:

Consideration of UPR reports: Australia

UN Human Rights Council

47th session

21 June to 9 July 2021

Madam President,

I would like to acknowledge the First Nations peoples of Australia on whose lands we work, live and play. I thank them for the custodianship of this unceded and sovereign land.

Amnesty International is deeply disappointed the Australian Government has rejected recommendations to raise the minimum age of criminal responsibility to at least 14 years of age - and calls on the Government to immediately review its position.

In 2019-20, 499 children aged between 10 and 13 years were detained by Australia in the youth justice system - 65% of those children were First Nations children - even though First Nations children constitute only 5% of the population of that age.

The Committee on the Children's Convention advocates for countries to work towards a minimum age of criminal responsibility of 14 years or older. The Special Rapporteur on the Rights of Indigenous Peoples recently found detention of children as 'the most distressing aspect of her visit'¹. 31 member states recently called Australia to raise the age of criminal

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/234/24/PDF/G1723424.pdf?OpenElement>



responsibility, a move supported by more than 70,000 Australians who have taken action with Amnesty International.

Madam President,

47² countries called on Australia to cease offshore 'processing' and mandatory detention of refugees.³ Australia's offshore 'processing' and detention policy is a human rights catastrophe and a clear violation of international law.⁴ After eight years and thousands⁵ of lives damaged, approximately 230 refugees remain held offshore,⁶ 1497 are in closed detention and 'alternative places of detention' onshore.⁷

Australia must cease ignoring the rights of refugees, end offshore 'processing' and indefinite detention of refugees and people seeking asylum and offer protection in Australia in line with international human rights law, and end mandatory detention for refugees and asylum seekers in Australia.

Thank you.

² <https://www.refugeecouncil.org.au/wp-content/uploads/2021/01/Australia-UPR-2101.pdf>

³ 2021, United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Australia, A/HRC/47/8, available at <https://undocs.org/A/HRC/47/8>

⁴ 2017, United Nations Human Rights Committee, Concluding Observations, CCPR/C/AUS/CO/

⁵ 2019, Australian Border Force, Operational Performance Monitoring, available at <https://www.homeaffairs.gov.au/foi/files/2019/fa-190700487-document-released.PDF>

⁶ 2021, Department of Home Affairs, Statistics of transitory persons in Nauru and PNG, available at <https://www.homeaffairs.gov.au/about-us-subsite/files/population-and-number-of-people-resettled.pdf>

⁷ 2021, Department of Home Affairs, Immigration Detention and Community Statistics Summary, available at <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-30-april-2021.pdf>