

Public Statement

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Australia: UN Human Rights Committee findings

Today's findings of the UN Human Rights Committee on Australia's record of civil and political rights confirm Amnesty International's major concerns on the country, and should strengthen the case of Australians campaigning for improvements in domestic human rights protection.

The International Covenant on Civil and Political Rights provides for the Human Rights Committee to routinely examine reports by state parties on their records of implementing covenant rights.

In particular, the Committee's comments support Amnesty International's long-standing position that:

-- the effects of the "stolen children" policies are a human rights issue generating human rights obligations today - a fact the government's formal response to the "stolen children" inquiry did not accept;

-- the twice-proposed Administrative Decisions (Effects of International Instruments) Bill - to prevent Australians from taking violations of their rights to court - would be "incompatible" with Australia's obligations to provide effective remedies for any violations of their treaty rights (paragraph 15 of Concluding Observations);

-- Australia's mandatory immigration detention law "raises questions of compliance" with its international obligations, with remedies recommended including information "for all detainees of their legal rights", and the creation of a legal duty to comply with the Covenant in deportation cases (paragraphs 18 and 19);

-- Australia has failed to address previous Human Rights Committee concerns about the arbitrary detention over four years of a Cambodian asylum-seeker (paragraph 16);

-- "mandatory imprisonment" legislation in the Northern Territory and Western Australia should be reviewed "to ensure that all Covenant rights are respected" (paragraph 17);

-- the Commonwealth Government has an obligation to ensure equal implementation of rights at all levels of state and territory government, and that state-federal arrangements "may not condone restrictions on Covenant rights" (paragraph 14).

Amnesty International urges all interest groups in Australia to seriously examine and discuss the Committee's findings and recommendations.

Amnesty International is appealing to the government to assess its expected decision on a review of Australia's cooperation with United Nations treaty bodies in the light of the long-term and international effects which any watering down of such cooperation might have.

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