



Statement by Sweden in the interactive dialogue on Australia

*Delivered by Ambassador Veronika Bard
Geneva, November 9, 2015 (speaking time 1 min 05 sec)*

Mr President,

Sweden wishes to welcome the delegation of Australia and express our thanks for the information provided to address our advance questions.

Sweden recommends the Government of Australia:

- 1) To expedite the ratification of the Optional Protocol to the Convention Against Torture and establish a National Preventative Mechanism.
- 2) To amend the federal Marriage Act to allow same-sex couples to marry by changing the definition of marriage, and provide full recognition of same-sex marriages from overseas.
- 3) To ensure that measures taken with regard to asylum-seekers are in full compliance with obligations under international law and human rights, including the principle of non-refoulement and that the detention of asylum-seekers is only done when absolutely necessary and for a minimal period of time.

During its previous UPR, Australia accepted a recommendation to ratify the Optional Protocol to the Convention Against Torture (OPCAT). However, only limited progress towards ratification has been made.

Same-sex couples are prevented from marrying by the definition of marriage in the federal Marriage Act from 1961, as amended in 2004, stating that marriage is between a man and a woman.

Since Australia announced its determination to stop asylum-seekers from arriving in Australia by boat in 2013, only one boat has reached the Australian mainland since then. Refugees that have arrived in Australian waters or on Christmas Island have been detained in offshore processing centres in Nauru and Papua New Guinea.

According to the UNHCR, Australia is the only country in the world that uses offshore processing and mandatory detention of asylum-seekers.

Australia has been accused of violating the principle of non-refoulement and thus its international human rights obligations.

Asylum-seekers arriving by boat who are subsequently detained in Nauru or Papua New Guinea are not allowed to resettle in Australia.

Serious concern has been expressed by UNHCR and the Australian Human Rights Commission with regards to conditions at overseas detention centres. Over-crowding, prison-like conditions, lack of educational and recreational opportunities, sexual abuse, mental ill health etc. Conditions in Nauru have been in focus in recent months with accusations of widespread abuse and violence at the detention centre. An Australian senate report has urged the Australian Government to remove children from the centre due to unsafe conditions.

Thank you, Mr. President