**UPR of Australia – Opening statement – UPR 2021 – 20 January 2021**

**Opening statement**

**Sally Mansfield (in person) – 5 minutes**

Thank you Madam President.

Excellencies, distinguished delegates, civil society representatives, Australia welcomes the opportunity to appear before the UPR Working Group. We thank you for your engagement.

Australia has a significant, longstanding commitment to human rights and we approach our international obligations with great seriousness.

Australia was a founding member of the United Nations. We played a significant role in the drafting of the Universal Declaration of Human Rights and have been an active participant in the negotiation of all of the major international human rights instruments.

Australia is proud of its long history of supporting international human rights institutions. In particular, Australia has been a strong supporter of the work of the Human Rights Council, most recently through our membership of the Council from 2018-2020.

Australia takes a proactive approach to furthering human rights and is accountable for the outcomes of this approach to the Australian people through our democratic system of government.

We welcome the UPR process as an opportunity for all UN Member States to reflect on their achievements, and the challenges they face, in furthering the rights of their people.

Australia’s commitment to the UPR process is reflected in the breadth and seniority of the delegation appearing before you this morning.

I would also like to acknowledge the important role civil society plays in the UPR process and thank Australia’s vibrant civil society sector for their involvement in our review.

Since our last UPR in 2015, Australia has continued to make significant progress in the realisation of human rights domestically.

In 2017, the Australian Government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Australia’s federal, state and territory governments are now working to ensure effective implementation of the Optional Protocol.

In 2017, the Australian Parliament passed legislation to amend the *Marriage Act 1961* to allow same-sex couples to marry.

The new National Agreement on Closing the Gap was negotiated and endorsed in 2020 between all levels of government and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations. For the first time there is shared responsibility and shared accountability to close the gap.

The Australian Government has also progressively implemented the National Disability Insurance Scheme to improve support for Australians with significant and permanent disability, their families and carers. The Scheme represents a step-change from previous approaches and aims to give people choice and control in the services and supports they engage to achieve their goals and aspirations.

Internationally, Australia has continued its strong advocacy for the global abolition of the death penalty and working with states in our region to promote human rights in the Indo-Pacific.

Today I have noted just some of the many achievements we have made. While much has been achieved there is still much to do.

In closing, I thank the members of the Working Group again and look forward to our dialogue with all States.

Madam President, I would now like to invite the head of delegation, Mr Andrew Walter of the Attorney-General’s Department, to speak to Australia’s domestic human rights frameworks, challenges, and key priorities.

**Andrew Walter (Webex) – 9 minutes**

Madam President, Excellencies, distinguished delegates, civil society representatives. I am speaking to you today from Ngunawal country and pay my respects to their elders past, present and emerging.

Australia has a strong institutional framework for protecting and advancing human rights, built on the core foundation of representative democracy and the rule of law.

As a federation, responsibility for implementation of Australia’s human rights obligations is shared by federal, state and territory governments. Each of these jurisdictions enjoys a robust rights-protecting framework of laws and institutions including an independent judiciary, statutory oversight mechanisms and independent human rights commissions.

Australia is a vibrant liberal democracy where public debate and dissent is welcomed. The Australian Government values the vital contribution of civil society, which acts to support and uphold Australia’s human rights protections. Different views, and the ability to express them freely, are essential in any free society.

However Australia, like any country, has room for improvement.

A particular concern in Australia over the past five years has been the mistreatment of our most vulnerable people – children, people with disability and the elderly – by institutions established for their welfare. The Government has established a series of Royal Commissions inquiring into these issues. Royal Commissions are independent of Government and are Australia’s highest form of inquiry. They are given extraordinary powers and are only established to investigate matters of the highest importance. The Government is implementing recommendations from the Royal Commissions into Institutional Responses to Child Sexual Abuse and the Protection and Detention of Children in the Northern Territory, which both concluded in 2017. The Australian Government established the Royal Commission into Aged Care Quality and Safety in 2018, and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in 2019. These Royal Commissions are due to provide their final reports in 2021 and 2022 respectively.

As has been raised by a number of countries in the advance questions, challenges remain in relation to improving the lives of Indigenous Australians and reducing the overrepresentation of Indigenous Australians, including children, in the criminal justice system. Acknowledging this, the Australian Government has commenced a formal partnership with Aboriginal and Torres Strait Islander people as part of the National Agreement on Closing the Gap.

Despite significant national efforts, family, domestic and sexual violence remains at rates that the Australian Government considers unacceptable. We continue to work to address this, with recognition of the diverse lived experiences of women and their children affected by violence.

I would like to take this opportunity to express the Australian Government’s deep concern at the findings of the Inspector-General of the Australian Defence Force Afghanistan Inquiry. The findings are very serious and the Australian Government will ensure a comprehensive response is implemented by the Department of Defence, including by establishing a high level, independent Oversight Panel. The Australian Government has acted quickly to establish a new independent entity, the Office of the Special Investigator, to address the potential criminal matters raised and to investigate the allegations and refer for prosecution where necessary. Australia is committed to the rule of law, including a commitment to human rights and the Law of Armed Conflict.

Madam President, Excellencies, in the last year, the COVID-19 pandemic has had a significant impact on human rights across the globe. The Australian Government’s response has prioritised the health and safety of all Australians, promoting the rights to health and life. The response has included targeted supports and protections for the most vulnerable. Australia continues to closely monitor and respond to issues as they arise in a manner that is consistent with human rights.

Where measures taken in response to the pandemic have impacted other rights, these measures have been informed by medical advice and tailored to ensure that rights are only limited to the extent necessary to contain the virus.

The Australian Government remains focused on containing, and recovering from, the COVID-19 pandemic as a top priority.

With that, I am now very pleased to inform the Working Group of Australia’s voluntary commitments for this cycle.

**First**, the Australian Government commits to a new National Disability Strategy (2021-2030) that enables people with disability to fulfil their potential as equal members of the community.

The Strategy will continue to be the primary mechanism through which Australia implements its obligations under the Convention on the Rights of Persons with Disabilities.

The Strategy will be informed by the 2019 Concluding Observations from that Committee as well as extensive consultation with people with disability, their families, carers, advocacy organisations, peak bodies and service providers.

**Second**, the Australian Government has an ongoing commitment to support older Australians to live in their own homes, reduce waiting times for home care packages and connect older Australians to essential care sooner.

The Australian Government commits to enabling access to home-based aged care services. 99 percent of people who have applied for a Home Care Package have been offered care in their home. This commitment has included the release of almost 50,000 packages, at a cost of $3.3 billion, funded since the Aged Care Royal Commission's interim report was handed down on 31 October 2019.

**Third**, the Australian Government commits to developing a new National Plan to continue efforts in reducing violence against women and children beyond 2022.

The new plan will build on learnings from the current Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022, and from listening and responding to the diverse lived experience and knowledge of women and children affected by violence.

**Fourth**, the Australian Government commits to working in partnership with Aboriginal and Torres Strait Islander Australians on decisions that affect them.

The Government commits to embedding this partnership approach through the co design of options and models for an Indigenous voice and sharing decision making on Closing the Gap through a Partnership Agreement with the Coalition of Aboriginal and Torres Strait Islander community-controlled peak organisations.

**Finally**, the Australian Government commits to continue to work towards a referendum to recognise Aboriginal and Torres Strait Islander Australians in the Australian Constitution.

The Australian Government commits to a Referendum to recognise Aboriginal and Torres Strait Islanders in the constitution and will support a Referendum when it has the best chance of succeeding.

Madam President, I would like to again thank all members who are participating in this review and welcome your statements and recommendations. The delegation will attempt to respond to issues raised to the extent possible in the time available. Thank you.