



Position Paper Guidance & Example

for States under Review (SuR)

Please Note: The name of your school should no longer be in the header of the position paper. The only information required is your full country name immediately above the name of the committee.

[Full Name of Assigned Country]

Human Rights Council - Universal Periodic Review

Introduction

Please provide a short opening statement with any general comments regarding the country's human rights situation.

Promotion & Protection

This section should summarize the international, regional, and national commitments made by the country on human rights, as well as identify key institutions at a national level that protect and promote human rights. Further, this section should describe broadly what actions your country has taken to positively support human rights and implement relevant commitments.

Priorities

This section should provide a short summary of your country's priorities in terms of human rights issues.

Recommendations

This is the longest and most important portion of your positions. This section should contain specific and concrete proposals for next steps on priority human rights concerns identified above, as well as on any of the key issues outlined in the background guide. You are welcome to use bullet points for readability in this section.

Challenges

This portion should identify particular challenges that are barriers to the realization of the recommendations identified above.



Example Position Paper

Australia

Human Rights Council – Universal Periodic Review

Introduction

Australia is founded on the rule of law and has a strong tradition of respect for the rights and freedoms of every individual. Australia also has a long tradition of commitment to human rights and supporting human rights internationally. This reflects Australia's national values and view that the protection and promotion of human rights is vital to global efforts to achieve lasting peace, security, freedom and dignity for all. Australia continues to make progress in protecting human rights, recognizing that continued effort is required to maintain standards and to respond to existing challenges. The Australian Government welcomes the opportunity to participate in this cycle of the Universal Periodic Review (UPR).

Promotion & Protection of Human Rights

In regards to human rights, Australia is party to many international treaties, such as the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), the *International Covenant on Civil and Political Rights* (ICCPR), the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), the *Convention on the Rights of the Child* (CRC), and the *Convention on the Rights of Persons with Disabilities* (CRPD). Other international instruments that Australia is committed to include the *Genocide Convention*, the *Palermo Protocol*, the *1954 Refugees Convention*, and *Convention against Discrimination in Education*. Australia periodically reviews its reservations to ICCPR, ICERD, CEDAW, and CRC to determine whether they remain necessary. Australia notes that its reservations are consistent with the object and purpose of these treaties and consistent with the *Vienna Convention on the Law of Treaties*. There have been no objections made to these reservations by other State Parties.

At a national level, the Australian Human Rights Commission (AHRC) meets the A-status human rights institution criteria. Each Australian state and territory also has its own body dedicated to promoting human rights, anti-discrimination and equal opportunity. Together with the AHRC, these bodies constitute the Australian Council of Human Rights Agencies. The AHRC has specific legislated functions for the protection and promotion of human rights under the *Australian Human Rights Commission Act* (1986). One of the most significant and innovative of the powers is the power to conduct public inquiries into alleged breaches of human rights by the Australian Government. Such public inquiries place human rights in Australia on the public agenda. In addition to this inquiry power, the AHRC handles complaints under anti-discrimination legislation (*Racial Discrimination Act, Sex Discrimination Act, Disability Discrimination Act, Age Discrimination Act*), and has the power to intervene in court proceedings that involve human rights matters. Additional institutions which are responsible for the protection and promotion of human rights at a national level include the Parliamentary Joint Committee on Human Rights, the Commonwealth Ombudsman, the Privacy Commissioner, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Sex Discrimination Commissioner, and the National Children's Commissioner. The *National Human Rights Action Plan* (NHRAP) adopted in 2012 provides the policy framework for Australia's human rights strategy.

In regards to recent action taken on promoting fundamental human rights, we have established a system that requires any federal legislation is required to be accompanied by a *Statement of Compatibility with Human Rights*, to encourage continuous consideration of human rights in policy development. Further, Australia has continued its support of the National Disability Insurance Scheme, appointed a full-time Human Rights Commissioner, launched a *National Action Plan to combat trafficking and slavery*, and launched national initiatives like "Closing the Gap", the Declaration Dialogues, and the National Disability Strategy 2010-2020. In terms of persons with disabilities, a national disability forum was held in September 2014 to identify challenges that individuals with disabilities faced in regards to human rights. Further, on issues related to refugees and asylum seekers, Australia has worked towards improving the process individuals follow in seeking admission by using community detention and bridging visas. Through the Humanitarian Programme, Australia provides assisted passage and medical and related services for applicants. Australia is also one of few countries dedicated to resettlement programs specifically designed for assisting women at risk the Women at Risk visa category. Further, Australia has assisted developing refugee processes that include training and mentoring refugee staff, implementing settlement support arrangements,



establishing a fast track assessment process, and enhancing the independent merits review process under the Refugee Review Tribunal. Asylum seekers also have a judicial right to seek judicial review and may request or refuse representation at any time. Australia has processes aimed at ensuring that removal is consistent with non-refoulement obligations. Individuals in detention have access to health care and conditions are subject to regular review. Children are placed in lower-security places of detention, prioritizing community detention allows unaccompanied minors, vulnerable family groups, and vulnerable single adults to reside and move freely in the community.

Priorities

Australia's priority issues related to human rights include issues related to multiculturalism; asylum seekers; Indigenous Australians; gender; sexual orientation and gender identity; and persons with disabilities.

Recommendations

Although the NHRAP provides a strong framework for Australia's efforts to protect and promote human rights, there have been challenges in several areas. The following are some recommendations made internally by stakeholders which we are intending consider:

- **Indigenous Australians:** Efforts will be made towards holding a referendum, recognizing Indigenous Australians in the Constitution, on or before 27 May 2017, building on recommendations made by a Parliamentary Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples will build support and identify steps to creating a successful referendum. We support the establishment of a council to settle questioning and timing of the referendum and additionally, hold a series of community councils across the country. We also intend to continue dialogue on the issue more broadly and will be considering ways to strengthen, and share policy and program ideas from the mandate of the Expert Mechanism on the Rights of Indigenous People.
- **General human rights education:** We believe the lack of education on human rights issues poses a significant challenge, thus we intend to continue developing and implementing campaigns and programs in efforts to "build awareness of rights and freedoms across the community and to encourage a culture of respect and responsibility," media and communication activities within Australia's schools, workplaces, and communities.
- **Refugees and asylum seekers:** Australia is one of the top three resettlement countries in the world and maintains that people seeking to enter Australia without authority need to be assessed for any risks that may affect the Australian community. We strive to reduce the number of people in detention and the length of time held in detention and are considering alternative options to indefinite detention in closed facilities, such as community detention, or requirements to reside in specific locations with curfews, travel restrictions, regular reporting, and (possible) electronic monitoring. We are considering introducing Temporary Protection Visas (TPVs) for individuals determined to be refugees, which would allow these individuals the right to work, to conduct a "rapid audit" of the refugee status determination process, and to propose a new "fast track assessment and removal process" modeled on the United Kingdom's "Detained Fast Track" (DFT) system. Relatedly, we will take under consideration whether to ratify the Optional Protocol to the Convention against Torture, which would create a more comprehensive and independent monitoring mechanism, ensuring that conditions in immigration detention centers meet human right standards. In regards to children in immigration status, specifically asylum seeking children, the national inquiry in 2014, a report that provided first-hand evidence confirming that mandatory detention of asylum seeker children causes both mental and physical illness and development delays, included 16 recommendations, in which efforts are being gradually implemented, such as releasing children and families in immigration detention in Australia and Nauru into the Australian community. Also, we will continue deciding whether an independent guardian should be appointed for all unaccompanied minors in immigration detention in order to remove the conflict of interest posed by the Minister, the current legal guardian.

Challenges

During the first cycle of the UPR in 2011, there were 145 recommendations made to Australia, only 10% of which we have accepted (in whole or in part) and implemented. One of the primary challenges we face in our ability to implement relevant human rights recommendations is our fiscal environment which prevents us from prioritizing funding in certain areas. In particular, we have been unable to fully fund policies and programs related to Indigenous Persons due to deep cuts in social programming carried out by Parliament.