

**Press Conference by
United Nations High Commissioner for Human Rights, Navi Pillay
Canberra, 25 May 2011**

Opening remarks

Good afternoon,

It has been a great pleasure to visit Australia, and I wish I could have stayed more than six days, to see more of the country, meet more Australians and immerse myself more fully in the wide range of human rights issues that have come up during my visit. I would like to thank the Government for inviting me, for its warm hospitality and for its frank and honest dialogue.

During my six-day mission, I have visited Darwin, Cairns, Sydney and Canberra. I have met with Government Ministers, including the Prime Minister, Foreign Minister, Chief Minister of the Northern Territory and indigenous local government representatives. I visited two immigration detention centres in Darwin and an Aboriginal community in Yarrabah, outside Cairns in Far North Queensland. I have also met with indigenous people, migrants, NGOs and the Australian Human Rights Commission, and spoken at three events, including a packed public meeting at the Sydney Town Hall on 23 May.

I know Australia's media, like media in many countries, will be more interested in criticism than praise. But I would like to stress that Australia has a strong history of commitment to human rights at the international level, and also of course a robust system of democratic institutions.

I would in particular like to commend the Australian Government's efforts to promote the rights of persons with disabilities, as well as the rights of older persons. Historically, the international community has been slow to act on behalf of these two groups, and Australia's initiatives are examples of good practice that are models for other countries.

Australia's human rights record has recently been examined under the Universal Periodic Review procedure of the United Nations Human Rights Council and the Government will be reporting back next month on the recommendations it will accept. I welcome the Government's Human Rights Framework as a mechanism for implementing the recommendations of international bodies, but I also hope that it will be a stepping stone to a fully fledged Human Rights Act.

During my meetings I have also urged Australia to continue to show leadership in advancing human rights internationally by promoting its good practices and integrating human rights more explicitly into its foreign policy and aid programs.

Australia has also been at the forefront of advancing women's leadership and has taken positive measure to combat violence against women. It has set up a strong national human rights commission and has been active in promoting the establishment of such commissions elsewhere in the region. In this context, I welcome the decision to appoint two new full-time Commissioners in the Australian Human Rights Commission to focus on discrimination on the grounds of race and age. During my meeting with the Prime Minister, I have encouraged the creation of another Commissioner to specifically address child rights.

I will now turn to the two main human rights issues which are a constant source of friction here in Australia and of attention abroad. These are, of course, issues relating to the treatment of Australia's indigenous peoples and asylum-seekers.

I welcome the advances the Government has made in addressing some of the disadvantages faced by Aboriginal and Torres Strait Islander peoples. In particular, I welcome the National Apology and Australia's formal recognition of the UN Declaration on the Rights of Indigenous Peoples, along with the significant investment being made to improve Aboriginal and Torres Strait Islander health and education. However, I believe these efforts are being undermined by policies that fail to recognise the right to self-determination for indigenous people, which is a key element of the UN Declaration.

In my discussions with Aboriginal people, I could sense the deep hurt and pain that they have suffered because of government policies that are imposed on them. I also saw Aboriginal people making great efforts to improve their communities, but noted that their efforts are often stifled by inappropriate and inflexible policies that fail to empower the most effective, local solutions.

I would urge a fundamental rethink of the measures being taken under the Northern Territory Emergency Response. There should be a major effort to ensure not just consultation with the communities concerned in any future measures, but also their consent and active participation. Such a course of action would be in line with the UN Declaration.

In my discussions with the Prime Minister and the Minister for Immigration and Citizenship, I have reiterated the long-standing concerns expressed by UN human rights treaty bodies that Australia's mandatory immigration detention regime is in breach of Australia's international human rights obligations. Australia's mandatory detention policy has for many years cast a shadow over Australia's human rights record. Thousands of men, women and – most disturbingly of all – children have been held in Australian detention centres for prolonged periods, even though they have committed no crime.

When detention is mandatory and does not take into account individual circumstances, it can be considered arbitrary, and therefore in breach of international law. Mandatory detention is also a practice that can – and has – led to suicides, self-harming and deep trauma. While recognizing that there have been some improvements in recent years, I have also raised concerns regarding the length of detention, as well as delays in processing security checks and in releasing children and families into the community.

During my visit to immigration detention centres in Darwin, I saw the grim despondency of asylum seekers, waiting for months, or in some cases well over a year, to be released. These people, who

arrive with such relief and hope after experiencing trauma in their home countries, should not be treated in this way.

I heard from Ministers Bowen and Rudd about the proposed bilateral agreement between Australia and Malaysia for the processing of asylum seekers and resettlement of refugees. I recognise the need to combat people smuggling in the region, but stressed that bilateral arrangements for asylum seekers must have adequate safeguards to ensure compliance with international human rights standards.

These include ensuring that there is no real risk of breach of the principles of the 1951 Refugee Convention and the Convention against Torture – which Australia has ratified, but Malaysia has not. In my experience, assurances of compliance with these standards are not sufficient, and should be legally entrenched.

The consequence of the constant political refrain that Australia is being “flooded” by people who are “queue jumpers” has resulted in a stigmatization of an entire group of people, irrespective of where they have come from or what dangers they may have fled. I urge the leaders of all Australia’s political parties to take a principled and courageous stand to break this ingrained political habit of demonizing asylum-seekers.

During my meetings with migrant representatives and foreign students, I also heard first-hand how different groups face discrimination and racism in the community, particularly associated with Islamophobia and fears of terrorism.

Australia has such strong foundations, with functioning institutions that have checks and balances and a proud tradition of egalitarianism. It is therefore disappointing to find that the system is failing to protect certain groups. The issues of indigenous disadvantage and the treatment of asylum seekers need to be tackled through a human rights based approach, not driven by short term electoral advantage and political goals.

Thank you for your attention.