



The Hon Brendan O'Connor MP
Minister for Immigration and Citizenship

694/1125



The Hon John Murphy MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 20 August 2012 to the former Minister for Immigration and Citizenship, the Hon Chris Bowen MP, concerning a petition from certain students of Santa Maria College asking that the Australian Government ensures policies regarding asylum seekers are in line with the Declaration of Human Rights. I regret the delay in responding.

Australia takes its international obligations seriously and considers that it meets its human rights obligations in relation to asylum seekers. I note the petition has raised several articles under the *Universal Declaration on Human Rights* (UDHR). The UDHR is not a binding instrument, however, Australia does have binding obligations under several other human rights conventions.

The four articles raised by the students under the UDHR, namely Articles 3, 5, 14 and 25, are similar to obligations contained in Articles 6(1) and 7 of the International Covenant on Civil and Political Rights, Article 3(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 33 of the Convention Relating to the Status of Refugees and Articles 11(1) and 12 of the International Covenant on Economic, Social and Cultural Rights.

In regard to future legislation, the *Human Rights (Parliamentary Scrutiny) Act 2011*, (the Act), commenced operation on 4 January 2012. This Act defines 'human rights' as the rights and freedoms contained in the seven core human rights treaties to which Australia is a party.

The Act requires Statements of Compatibility with human rights to be prepared for all new Bills and disallowable legislative instruments. As you are aware, the Act also introduced the new *Parliamentary Joint Committee on Human Rights*, which was established on 13 March 2012.

The Committee's role is to examine Bills and legislative instruments for compatibility with human rights. The Statement of Compatibility encourages early consideration of human rights in the development of policy and legislation and the role of the Committee allows greater oversight by Parliament of how the Australia Government ensures that any amendments to existing legislation and any future legislation is consistent with Australia's international human rights obligations.

Thank you for bringing this petition to the Government's attention.

Yours sincerely

BRENDAN O'CONNOR

2 MAR 2013