

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. AE16/008

Senator Canavan asked the following question at the hearing on 9 February 2016:

Senator CANAVAN: Thank you for that, Minister. That is certainly my view as well on that distinction. Ms Triggs, you said one aspect of the UPR is—and it has been so long since the answer that I am paraphrasing—to advocate for progress on this area. On your website, though, where you have got a whole page devoted to the Universal Periodic Review on human rights, where does it say that? I have not read every word, but my reading of the relevant sections of that page indicates, as I said earlier, that the UPR is about assessing our compliance with obligations that we have signed up to, not going beyond and progressing human rights in a political philosophy sense as Mr Brandis said. As I ask that question, can I say I have no issue with the fact that you do have a statutory right to advocate on generic human rights issues. My question specifically goes to your submission, to what is an international review of our record and one in which you do not seem to indicate has the scope to do what you have recommended in this area.

Prof. Triggs: I will certainly be happy to take your question on notice.

Senator CANAVAN: Thank you.

The answer to the honourable senator's question is as follows:

In its decision 17/119, the United Nations Human Rights Council adopted the following General Guidelines for the preparation of information under the Universal Periodic Review, to guide the input of stakeholders including national human rights institutions:

- a) Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;
- b) Developments since the previous review in background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations (identified in para. 8 below);
- c) Promotion and protection of human rights on the ground: implementation of international human rights (identified in para. 8 below), national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms;
- d) Presentation by the State concerned of the follow-up to the previous review;
- e) Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the State;
- f) Key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;

g) Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance and support received.

These guidelines clearly envisage that the process is broad in scope, and may involve consideration of any issues that raise concerns about human rights – be they best practice or challenges and constraints in the relevant country.

Notably, countries made recommendations to Australia about marriage equality in both the first and second cycles of the UPR process.