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SUBMITTING ORGANIZATION:



International Presentation Association

LIST OF ENDORSING ORGANIZATIONS:



Red Dot Foundation



**The Institute of the Blessed Virgin Mary –
Loreto Generalate**



UNANIMA International



Justice Desk Africa

United Nations Human Rights Council
Universal Periodic Review - UPR for Australia 51st Session Jan-Feb 2026

SUBMITTED BY: International Presentation Association.

- 1) The International Presentation Association is a global organization of Presentation Sisters and Presentation People from across the world, who believe in the universal value of human rights and speak and act in partnership with others for global justice. We have been accredited with the United Nations Department of Public Information (DPI) (now UN Department of Global Communications) since 1997 and with a special consultative status at the United Nations Economic and Social Council (ECOSOC) since 2000. We advocate for systemic change on a global scale, working to influence policies and decisions that align with our mission to uphold human rights, promote social and environmental justice, and address the needs of marginalized communities.”

INTRODUCTION

- 2) The International Presentation Association (IPA) welcomes the opportunity to contribute to the 4th cycle of Australia’s Universal Periodic Review. This individual submission is supported by various local grassroots groups and national and international civil society and non-governmental organizations.
- 3) The IPA respects the progress made by Australia in promoting and safeguarding human rights and the commitments made in relation to previous UPR cycles but notes there are areas requiring further attention. This submission focuses on the Rights of Indigenous and Tribal Peoples, highlighting concerns and recommendations in three intersecting areas: #1- adequate representation and consultation within national political structures, #2- reform of the penal system with an emphasis on systemic injustices, and #3- addressing climate change and care of the Earth.

CONTEXT & METHODOLOGY

- 4) This submission has been prepared from consultations with civil society individuals, groups and organizations working to establish, recognize, and maintain the rights of Indigenous and Tribal Peoples. Information for this submission was collected in consultation with the IPA Justice Contacts, representatives from Presentation congregations or communities who monitor and report on justice issues in their respective region, from Western Australia, Queensland, Lismore, Tasmania, and Wagga Wagga.
- 5) Sources were derived primarily from United Nations and Australian national government reports, news statements, and official publications. All sources, minus one, are dated between 2015 and present; the outlier is from the Committee on the Rights of the Child - Concluding observations on Australia from 2012. The 2015 and 2021 stakeholder submissions to the UPR cycles were also referenced throughout this document as a measure of progress toward the recommendations laid out by the IPA and other civic society stakeholders.

RIGHTS OF INDIGENOUS AND TRIBAL PEOPLES: CONCERNS AND RECOMMENDATIONS

- 6) The last decade has witnessed a significant shift in the political and social relationship between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples of

Australia. This shift has threatened the inalienable human rights of indigenous and tribal peoples within and beyond Australia's borders. The IPA aims to illustrate key issue areas related to the rights of indigenous and tribal peoples, highlighting deep concerns and crucial recommendations for the future of Australia's people.

#1 - Representation and consultation of Aboriginal and Torres Strait Islander peoples within the national political structures of Australia's government.

7) Concerns:

- a. In 2017, the Uluru Statement from the Heartⁱ, with its calls to create agreement-making and truth-telling mechanisms to advise the government and ensure a voice to Parliament, was largely rejected and ignored.ⁱⁱ
- b. In 2023, the Referendum on Indigenous Voices, which also aimed to guarantee mechanisms to advise the government and ensure constitutional recognition, was defeated.ⁱⁱⁱ
- c. These examples illustrate Australia's failure to implement the recommendations by civil society organizations and relevant stakeholders included in the 2021 UPR, that "Australia must revise the Constitution to recognise Aboriginal and Torres Strait Islanders' rights, remove racist elements and include an anti-discrimination clause"^{iv} and calls for the "establishment of a Makarrata Commission and an indigenous legislative body."^v
- d. Australia has failed to address mounting disparities between indigenous and non-indigenous Australians, ignoring recommendations by the UN Committee on the Elimination of Racial Discrimination (UNCERD) and other UN bodies^{vi} that highlight the need for recognition, meaningful consultation, and participation of Aboriginal and Torres Strait Islander peoples in decisions affecting their rights.
- e. These failures to implement structural reform undermine Australia's obligations^{vii} under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).^{viii}
- f. Recommendations by Amnesty International (AI) included in the 2021 UPR stakeholder submission, which call for "developing a national action plan to implement the Declaration on the Rights of Indigenous Peoples," have been ignored.^{ix}

8) Recommendations:

The International Presentation Association calls upon Australia to:

- a. Re-examine the Uluru Statement from the Heart document and implement the recommendations within, including the establishment of a Makarrata Commission and an indigenous legislative body.
- b. Adopt crucial elements of the defeated 2023 Referendum, including the revision of the Constitution to recognize Aboriginal and Torres Strait Islanders' rights, remove racist elements, and include an anti-discrimination clause.
- c. Take steps to uphold its commitments to ending racial discrimination and ensuring adequate representation and consultation of Aboriginal and Torres Strait Islanders peoples through the fulfilment of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ratification of the Indigenous and Tribal Peoples Convention, also known as ILO Convention 169.

#2 - Australian penal system and systemic injustices.

9) Concerns:

- a. Aboriginal and Torres Strait Islander communities continue to face systemic injustices, including over-policing, human rights abuses, and deaths in custody.^x Indigenous peoples are significantly overrepresented in Australian prisons. As of 2023, they made up ~3.8% of the population^{xi} but over 30% of the prison population.^{xii}
- b. Alarming rates of Indigenous deaths in custody continue to be an issue despite the 1991 Royal Commission, which established 339 recommendations aimed at improving the treatment of Indigenous Australians within the justice system.^{xiii} Harsh bail laws^{xiv} and policing practices also continue to disproportionately affect Indigenous people.^{xv} The UN Human Rights Committee and CAT (Committee Against Torture) have urged Australia to address systemic racism in their justice system.^{xvi}
- c. In the 2021 UPR stakeholder submissions, Human Rights Watch (HRW) “noted that despite two recommendations 78 of the 2015 UPR to reduce incarceration rates of indigenous peoples, they remained over-represented in the criminal justice system, often for minor offenses like unpaid fines.”^{xvii} The HRW further recommended “reducing incarceration rates of indigenous peoples and ending the over-imprisonment of indigenous peoples by repealing punitive bail laws, mandatory sentencing laws, and decriminalizing public drunkenness.”^{xviii} These recommendations have not been implemented.
- d. Australia's treatment of children in the criminal justice system remains a significant concern. Recent legislative changes in Queensland, such as the "adult crime, adult time" policy, have been condemned by the United Nations for being incompatible with basic child rights.^{xix}
- e. Indigenous children are disproportionately affected by punitive youth justice systems. These laws disproportionately affect Indigenous youth and may breach rights to humane treatment. In the 2021 UPR stakeholder submission, Law Council of Australia (LCA) stated that “in 2018, indigenous children were 21 times as likely as non-Indigenous young people to be in detention on an average night.”^{xx}
- f. The national minimum age of criminal responsibility remains at 10 years.^{xxi} The Committee on the Rights of the Child^{xxii} and the UN Special Rapporteur on Indigenous Peoples^{xxiii} have urged Australia to raise the age to at least 14,^{xxiv} consistent with international standards.^{xxv} In the 2021 UPR stakeholder submission, the IPA “reported that children as young as 10 years of age were being detained in watch-houses for long periods and often under harsh conditions. In some cases, children with aggressive behaviour or at-risk behaviour were forced to wear a ‘suicide smock’ and placed in isolation cells. Australia retained a reservation to article 37 (c) of the CRC requiring separation of children from adults in detention.”^{xxvi}
- g. In the 2021 UPR stakeholder submissions, the IPA stated that “human trafficking for labour exploitation was found in a variety of employment sectors. [The IPA] recommended eradicating labour trafficking and exploitation and slavery.” Despite this and other recommendations to eliminate human

trafficking, Australia has witnessed an increase in trafficking cases. The emergence of exit trafficking, where individuals are coerced, deceived, or threatened into leaving Australia against their will, has become a growing concern.

- h. While Australia has established the Support for Trafficked People Program, challenges remain in providing adequate support to victims. These include issues related to the accessibility of services, particularly for individuals from diverse linguistic and cultural backgrounds, and the adequacy of legal protections for victims during legal proceedings. JS1 of the 2021 UPR stakeholder submissions stated that “since the 2015 UPR, Australia strengthened its anti-trafficking strategies. Access to government funded support for human trafficking survivors, however, remained contingent on their participation in criminal justice processes, creating barriers to support.”^{xxvii} The IPA recommended “expanding the federal government funded support services to all victims of trafficking rather than only to those who were able and willing to testify against their trafficker.”^{xxviii} This recommendation has not been implemented.

10) Recommendation:

The International Presentation Association calls upon Australia to:

- a. Reduce incarceration rates of indigenous peoples, ending the over-imprisonment of indigenous peoples by repealing punitive bail laws, mandatory sentencing laws, and decriminalizing public drunkenness.
- b. Withdraw all reservations to article 37 (c) of the Convention on the Rights of the Child (CRC) requiring separation of children from adults in detention.
- c. Raise the national minimum age of criminal responsibility to at least 14, consistent with international standards.
- d. Eradicate labor trafficking, exploitation and slavery.
- e. Implement the National Action Plan to Combat Modern Slavery 2020-2025^{xxix}, particularly in areas such as victim support services, coordination among agencies, and public awareness campaigns.

#3 - Climate change and care of the Earth.

11) Concerns:

- a. Prolonged droughts, extreme heat, and changing rainfall patterns threaten Australia’s agriculture and water supply, particularly in rural and Indigenous areas. The UN Special Rapporteur on the right to food has raised concerns about food security in climate-vulnerable regions.^{xxx} Access to clean water and adequate food is a core part of the right to an adequate standard of living.
- b. In the 2021 UPR stakeholder submissions, not a single mention of food was made, while the only reference to water was made by JS1, stating, “that land management and legislative regimes did not uphold the rights of indigenous peoples to manifest cultural traditions and customs on traditional lands, territories and waters.”^{xxxi}
- c. Climate change disproportionately affects Aboriginal and Torres Strait Islander communities, particularly those in remote coastal areas and the Torres Strait

Islands. In 2022, the UN Human Rights Committee found that Australia had violated the rights of Torres Strait Islander people by failing to adequately protect them from climate change impacts.^{xxxii} Australia has legal and moral obligations to uphold the rights of Indigenous peoples to culture, land, and health under the International Covenant on Civil and Political Rights (ICCPR).^{xxxiii}

12) Recommendations:

The International Presentation Association calls upon Australia to:

- a. Uphold the rights of Indigenous peoples to culture, land, and health under the International Covenant on Civil and Political Rights (ICCPR).
- b. Address in an effective and efficient way the Special Rapporteur's concerns about food security in climate-vulnerable regions, ensuring clean water and adequate food for all.

ENDNOTES

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- ⁱ 'Uluru Statement from the Heart', 2017 at <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/uluru-statement-heart>
- ⁱⁱ 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 82
- ⁱⁱⁱ 'Aboriginal and Torres Strait Islander Voice Referendum' at <https://peo.gov.au/understand-our-parliament/history-of-parliament/history-milestones/australian-parliament-history-timeline/events/aboriginal-and-torres-strait-islander-voice-referendum>
- ^{iv} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 25
- ^v 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 82
- ^{vi} 'Concluding observations on the eighteenth to twentieth periodic reports of Australia', UNCERD, 2017 at [CERD/C/AUS/CO/18-20](https://www.ohchr.org/en/hrbodies/cerdc/australia)
- ^{vii} 'Meeting Australia's UNDRIP Obligations: A Critical Analysis of Three Proposals' Appleby, Davis, and Moulds, May 2025 at <https://www.indigconlaw.org/home/meeting-australias-undrip-obligations>
- ^{viii} 'UN Declaration on the Rights of Indigenous Peoples' at <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/un-declaration-rights>
- ^{ix} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 87
- ^x 'We must end the national shame of Aboriginal deaths in custody', June 2025 at <https://humanrights.gov.au/about/news/we-must-end-national-shame-aboriginal-deaths-custody>
- ^{xi} 'Estimates and projections, Australian Aboriginal and Torres Strait Islander population', July 2024 at <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-and-projections-australian-aboriginal-and-torres-strait-islander-population/2011-2031>
- ^{xii} 'Prisoners in Australia', December 2024 at <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>
- ^{xiii} 'Deaths in custody in Australia' at <https://www.aic.gov.au/statistics/deaths-custody-australia>
- ^{xiv} 'Harsh bail laws Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples' by the Australian Law Reform Commission', December 2017 at https://www.alrc.gov.au/wp-content/uploads/2019/08/final_report_133_amended1.pdf [Chapter 5, p149]
- ^{xv} 'Aboriginal and Torres Strait Islander experience of law enforcement and justice services', Finance and Public Administration References Committee, October 2016 at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Legalassistanceservices/~/_media/Committees/fapa_ctte/Legalassistanceservices/report.pdf [5.62 in linked report, p 76-79]
- ^{xvi} 'Australia violated Torres Strait Islanders' rights to enjoy culture and family life, UN Committee finds', September 2022 at <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>
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- ^{xviii} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 44
- ^{xix} 'Youth justice systems across Australia in crisis: UN experts', May 2025 at <https://www.ohchr.org/en/media-advisories/2025/05/youth-justice-systems-across-australia-crisis-un-experts>
- ^{xx} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 43
- ^{xxi} 'Australia: Children Suffering Under Criminal Legal System', Human Rights Watch, May 2025 at <https://www.hrw.org/news/2025/05/25/australia-children-suffering-under-criminal-legal-system>
- ^{xxii} 'Concluding observations: Australia', 2012 at [CRC/C/AUS/CO/4](https://www.ohchr.org/en/hrbodies/crc/australia), para. 10
- ^{xxiii} 'Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia', 2017 at [A/HRC/36/46/Add.2](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/specialrapporteurreport)
- ^{xxiv} 'ARGUMENTS FOR RAISING THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY', Cunneen, February 2020 at <https://justicereinvestment.net.au/wp-content/uploads/2020/02/macrc-final-2020-2.pdf>
- ^{xxv} 'Committee on the Rights of the Child reviews the report of Australia', September 2019 at <https://www.ohchr.org/en/press-releases/2019/09/committee-rights-child-reviews-report-australia>
- ^{xxvi} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 73
- ^{xxvii} 'Summary of Stakeholders' submissions', 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/hrbodies/hrc/workinggroups/workinggroupindigenouspeoplesandtribalcommunities/summaryofstakeholderssubmissions), para. 53
- ^{xxviii} *Ibid.*

^{xxix} ‘National Action Plan to Combat Modern Slavery 2020-2025’ at

<https://www.ag.gov.au/crime/publications/national-action-plan-combat-modern-slavery-2020-25>

^{xxx} ‘UN Special Rapporteur on the Right to Food, Michael Fakhri; RIGHT TO FOOD FOR FOOD SYSTEM RECOVERY AND TRANSFORMATION’, September 2023 at

<https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>

^{xxxi} ‘Summary of Stakeholders’ submissions’, 2021 at [A/HRC/WG.6/37/AUS/3](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights), para. 83

^{xxxii} ‘UN Special Rapporteur on the Right to Food, Michael Fakhri’, 2023 at

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^{xxxiii} ‘International Covenant on Civil and Political Rights’ at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>