

Implementing UNDRIP



Australian
Human Rights
Commission

Australia's third UPR | 2021

Key Issue – The UN Declaration on the Rights of Indigenous Peoples

Australia endorsed UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2009. Since then, in international forums, Australia has committed to take actions to implement the Declaration and promote indigenous people's enjoyment of rights on an equal basis.

The Australian Government has not, however:

- taken steps to implement the UNDRIP into law, policy and practice.
- Negotiated with indigenous peoples a National Action Plan to implement the UNDRIP
- Audited existing laws, policies and practice for compliance with the UNDRIP.

When new legislation is introduced to federal Parliament, it must have a statement of compatibility with human rights – defined as the rights in the 7 instruments that Australia has ratified. This does not include reference to compliance with the UNDRIP.

Australia has identified the Closing the Gap Strategy as its key policy platform to give effect to the Declaration. To date, this process has been government led without significant engagement of indigenous communities in setting priorities or in delivery. Australian Governments have committed to address this through the 2019 National Partnership Agreement on Closing the Gap which involves the Coalition of Aboriginal and Torres Strait Islander Peak Bodies as partners and decision makers.

Recommendation

Government develop a national program to implement UNDRIP and schedule it to the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011 (Cth)*

