



Submission to Draft National Report

Australia's fourth Universal Periodic Review

29 August 2025

Submitted by
Amnesty International Australia

Contact: Nikita White
Email: nikita.white@amnesty.org.au
Phone: 043 111 5703

Table of Contents

	1
Table of Contents	2
Amnesty International	3
1. Summary	4
2. Issues for voluntary commitments	5
Raise the age of criminal responsibility to address First Nations overincarceration	5
Legislate a federal human rights act	6
Resolve the status of people on Bridging Visas and end temporary protection	7
Act on climate by adopting net zero emissions by 2030 and ending fossil fuel use	9
End the risk of complicity in breaches of international humanitarian and human rights law - suspend arms export permits to Israel and support an arms embargo	11
3. Recommendations	13
4. Conclusion	14

Amnesty International

Amnesty International is a global movement of more than 10 million people who take injustice personally. We are campaigning for a world where human rights are enjoyed by all.

We investigate and expose the facts, whenever and wherever abuses happen. We lobby governments as well as other powerful groups such as companies, making sure they keep their promises and respect international law. By telling the powerful stories of the people we work with, we mobilise millions of supporters around the world to campaign for change and to stand in the defence of activists on the frontline. We support people to claim their rights through education and training.

Our work protects and empowers people – from abolishing the death penalty to advancing sexual and reproductive rights, and from combating discrimination to defending refugees' and migrants' rights.

We help to bring torturers to justice, change oppressive laws, and free people who have been jailed just for voicing their opinion. We speak out for anyone and everyone whose freedom or dignity are under threat.

We are impartial and independent of any government, political persuasion or religious belief and do not receive funding from governments or political parties.

Amnesty International is a proud People Powered movement founded on the work of volunteers and activists all around the country. More than 500,000 Amnesty International supporters live in Australia.

1. Summary

- 1.1. Amnesty International Australia (AIA) welcomes the opportunity to make a submission in response to the Government's Draft National Report to Australia's fourth Universal Periodic Review ('the draft national report').
- 1.2. Amnesty International made a submission to the Universal Periodic Review (UPR) in July 2025 with 26 recommendations.¹
- 1.3. These reflect long-held AIA positions which are the basis of our ongoing work, including our campaigns for a federal Human Rights Act; on Youth Justice, calling to raise the age of criminal responsibility, implement a National Youth Justice Framework and end the use of torturous practices against young people in custody; and campaigns against offshore and mandatory detention of refugees, and for permanency for people seeking asylum. They also reflect more recent AIA focuses on the Gaza crisis, and on climate justice.
- 1.4. Many of the recommendations also align with those made by the joint NGO alternative report² for Australia's fourth cycle UPR, the preparation of which was supported by a grant from the Australian Government. AIA supports the recommendations contained in that submission.
- 1.5. We note that in the previous Universal Periodic Review of Australia in 2021,³ Australia made voluntary commitments in relation to a new disability strategy; supporting older Australians living at home with home care services; continuing efforts reducing violence against women and children with a new national plan; and working in partnership with Aboriginal and Torres Strait Islander people including designing models for the voice, an agreement to share decision making on closing the gap, and holding a referendum.⁴
- 1.6. The 2025 draft national report does not indicate whether Australia plans to make any voluntary commitments in this fourth cycle of the UPR. Amnesty calls on the Australian Government to make voluntary commitments on several urgent human rights issues – acting on these would be in line with current Government commitments and/or policies, or resolve serious gaps in human rights protections in Australia that were raised in previous UPR cycles.
- 1.7. Some of these voluntary commitments address recommendations made by a number of States at the previous UPR cycle in 2021 but rejected by Australia in its response. These issues are now more urgent and are likely to be repeated in States' recommendations this cycle, potentially exposing Australia to criticism for not acting on them since that time. Others

¹ Amnesty International, 'Australia: Falling Short of Commitments', Submission to the 51st Session of the UPR Working Group, 19-30 January 2026, <https://www.amnesty.org.au/wp-content/uploads/2025/08/ASA1201192025ENGLISH.pdf>

² Joint NGO Report on behalf of the Australian NGO Coalition, 17 July 2025, Australia's 4th Universal Periodic Review - 2025-26, <https://www.hrlc.org.au/app/uploads/2025/07/2025-26-UPR-Joint-NGO-report.pdf>

³ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Australia, UN Doc. A/HRC/47/8, 24 March 2021, <https://documents.un.org/doc/undoc/gen/g21/070/43/pdf/g2107043.pdf>

⁴ Ibid at par 148-158

reflect current issues the Australian Government is taking leadership in, and will support and strengthen the stance Australia is taking.

2. Issues for voluntary commitments

Raise the age of criminal responsibility to address First Nations overincarceration

- 2.1. Aboriginal and Torres Strait Islander people remain the most incarcerated people in the world. In 2024, the incarceration rates for Aboriginal and Torres Strait Islander adults were 15.2 times higher than for non-Indigenous adults.⁵
- 2.2. First Nations young people are significantly over-represented in all stages of the youth justice system, being 23 times more likely to be under youth justice supervision and 27 times more likely to be in detention, in 2024. On an average night in June 2024, **2 in 3, or 65%** of young people aged 10-17 in detention were recorded as Indigenous, despite First Nations children in that age range representing only **6.6%** of the general Australian population.⁶
- 2.3. In Amnesty's submission to the UPR we raised the continuing over imprisonment of First Nations children and young people.⁷ The increase of the rate of incarceration since the last review is deeply concerning and requires immediate redress.
- 2.4. Our submission highlighted that Australia continues to criminalise and detain children as young as 10, despite repeated calls from UN bodies to raise the minimum age of criminal responsibility to 14. It is clear to experts that harsh bail, sentencing and low age of criminal responsibility laws have increased the overrepresentation of Aboriginal and Torres Strait Islander children.⁸ Since 2021, over-imprisonment of First Nations children has worsened.⁹
- 2.5. In the previous UPR review in 2021, 30 states recommended that Australia raise the age of criminal responsibility above 10.¹⁰ The Australian Government did not accept these recommendations,¹¹ a deeply disappointing response to First Nations groups, human rights and civil society organisations.

⁵ Australian Government Productivity Commission, 'Closing the Gap: Annual Data Compilation Report', 31 July 2024, <https://www.pc.gov.au/closing-the-gap-data/annual-data-report>

⁶ Australian Institute of Health and Welfare, 'Youth detention population in Australia 2024', 13 December 2024, <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/first-nations-young-people/key-findings>.

⁷ See Amnesty International, above n 1, pars 16-22

⁸ See Davis, Megan, and McGlade, Hannah, 'International Convention on the Elimination of All Forms of Racial Discrimination – Early Warning and Urgent Action submission', 31 March 2025, https://www.hrlc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf

⁹ In 2021, 50% of the young people ages 10-17 in youth detention were Aboriginal and Torres Strait Islander:

¹⁰ Italy, Bolivarian Republic of Venezuela, Slovakia, Spain, Sri Lanka, Sweden, Switzerland, Uruguay, Canada, Chile, Croatia, Cyprus, Zambia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Lithuania, Luxembourg, Malta, Mexico, North Macedonia, Norway, Poland, Portugal, Republic of Moldova: A/HRC/47/8, above note 2.

¹¹ Human Rights Council, 2 June 2021, Report of the Working Group on the Universal Periodic Review: Australia. Addendum: A/HRC/47/8/Add.1, <https://docs.un.org/en/A/HRC/47/8/ADD.1>, pars 7 and 38.

- 2.6. Amnesty's submission also highlighted how the treatment of children and young people in custody and while being transported to custodial settings breaches our international treaty obligations. This includes children being held in adult custodial environments¹², the re-introduction of spit hoods, restraints in transportation, the use of prolonged solitary confinement, and the suspension of legal protections to enable these practices.¹³
- 2.7. Amnesty's submission raised concerns that these practices amount to torture or cruel, inhuman or degrading treatment of children, and violate Australia's treaty obligations.¹⁴ We recommended ending the use of practices that amount to torture or cruel, inhuman or degrading treatment in youth justice settings.¹⁵
- 2.8. We also highlighted that despite supporting recommendations, the Australian Government has not fully incorporated the UN Declaration on the Rights of Indigenous People into Australian laws. The Government committed to justice reinvestment and First Nations-led diversion programs in 2022-23, but issues persist despite evidence of the success of First-Nations-led diversion programs for example, and we recommended these to be funded.
- 2.9. The issue of Australia's age of criminal responsibility and its link to the increasing over-incarceration of First Nations children is likely to be a focal point again for recommendations in the current UPR cycle.
- 2.10. The Australian Government has an opportunity to make a voluntary commitment to act on the previous recommendations ahead of these being repeated, and urgently raise the age of criminal responsibility to at least 14 years, in line with the Convention of the Rights of the Child.¹⁶ In addition, it has the opportunity to end the use of practices that breach Australia's human rights obligations regarding children in the criminal justice system.

Legislate a federal human rights act

- 2.11. Human rights in Australia are protected through a fragmented patchwork of laws, the Constitution and the common law, with many rights still uncodified. Australia lacks a national framework to guide and monitor human rights progress, with no clear pathways for government accountability or reporting on human rights standards.¹⁷

¹² This breaches Convention on the Rights of the Child obligations to ensure age-appropriate detention, to only use detention as a last resort for children, to consider the best interests of the child, and to focus on rehabilitation.

¹³ See Amnesty International, above n 1, pars 23-38.

¹⁴ Convention on the Rights of the Child, particularly Articles 3, 37 and 40; the International Covenant on Civil and Political Rights particularly Articles 9 and 24; the Convention Against Torture, in relation to degrading and inhuman treatment of children; and the UN Declaration on the Rights of Indigenous Peoples, due to the disproportionate impact on Indigenous children.

¹⁵ See Amnesty International, above n 1, par 76.

¹⁶ See Amnesty International, above n 1, par 74.

¹⁷ Amnesty International Australia, 'Submission: Inquiry into Australia's human rights framework', 11 August 2023, <https://www.amnesty.org.au/submission-human-rights-act-inquiry/>

- 2.12. While Australia has ratified the seven core international human rights treaties it has failed to adopt a national Human Rights Act to incorporate its international obligations into domestic law, despite recommendations in the last UPR cycle¹⁸ and the 2024 recommendation from the Parliamentary Joint Committee on Human Rights (PJCHR) to legislate an Act.¹⁹
- 2.13. In the 2021 National Platform the Labor Party committed to considering whether Australia's human rights framework could be enhanced through a statutory charter of human rights or similar instrument. The 2024 PJCHR report and recommendations provide a clear blueprint for doing so. Now, in its second term in government and with a clear majority and mandate, is the time for the Albanese Government to fulfil this commitment.
- 2.14. An Act is broadly supported by civil society, and a large coalition of civil society and human rights organisations including the Australian Human Rights Commission have advocated for an Act. It is likely in the current UPR review that states will again recommend Australia legislates a federal Human Rights Act, given that the shadow NGO report endorsed by over 100 organisations recommends it, and the NGO coalition has highlighted this as one of the key issues. Amnesty International also highlighted this as a key recommendation.²⁰
- 2.15. AIA calls on the Australian Government to enact a federal Human Rights Act as outlined in the PJCHR report and recommendations, an Act that protects civil and political rights and economic, social, and cultural rights, requires the federal government to consider the rights of people when making decisions that impact them, and gives people a tool to seek justice for human rights abuses through mediation or in federal court.

Resolve the status of people on Bridging Visas and end temporary protection

- 2.16. Despite widespread condemnation and evidence of harm, Australia continues its unlawful offshore processing policy including transferring people seeking asylum to Nauru and indefinite immigration detention onshore. Amnesty International has made recommendations in relation to these issues in its submission.
- 2.17. Abolishing the use of Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs) was a Labor Party commitment in the 2021 National Platform and during the 2022 election to However, while people holding those visas have had their status resolved, the visas still exist for people who arrive in Australia without a visa and want to seek asylum. Temporary protection for some depending in their mode of arrival does not align with international obligations under the Refugee Convention, and people forced to live in such instability suffer serious impacts from it.

¹⁸ 146.48: Canada, and 146.49: Ecuador, A/HRC/47/8, above note 2.

¹⁹ Parliamentary Joint Committee on Human Rights, 30 May 2024, 'Inquiry into Australia's Human Rights Framework', https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report

²⁰ See Amnesty International, above n 1, par 67

- 2.18. Mandatory detention and offshore processing are applied to people who arrive by sea without a visa, and they are banned from ever settling in Australia. Mandatory detention and temporary protection visas apply for people seeking asylum who arrive by air without a visa. Those who arrive with a valid visa are not subject to detention, can apply for permanent protection and have their protection claim processed in Australia.
- 2.19. The Third UPR recommended Australia “Continue to ensure the security, living conditions and rights of migrants, refugees and asylum seekers, regardless of how they entered the country” and “Ensure that asylum seekers have access to a refugee status determination procedure in line with international law”.²¹ AIA has urged the Government to end the use of temporary visas for people seeking protection by removing these visa categories.
- 2.20. There are still approximately 7,000 people living in the Australian community on temporary Bridging Visas after over a decade in limbo, having been subject to the ‘Fast Track’ scheme of the previous government. AIA notes that in its National Platform the Labor Party promised to abolish Fast Track if elected, as it “does not provide a fair, thorough and robust assessment process for persons seeking asylum”.²²
- 2.21. However, despite the Government dismantling the scheme in 2024, thousands of people subject to poor decisions made under Fast Track still live in forced temporariness, without access to tertiary education, travel or family reunion, and tenuous work, barred from applying for permanent visas. Due to the impact of their indefinite status the group has been affected by serious mental health issues and suicide.²³
- 2.22. While some movement has occurred in this cohort²⁴, and AIA recognises the goodwill of the Australian Government and Minister for Home Affairs, it is clear that the process of Ministerial intervention in each case is too slow and unwieldy for the large numbers of people involved.
- 2.23. AIA is concerned that some individuals in this group may be referred to the Department of Home Affairs to make a new protection visa application where there is new country information. AIA recognises the positive intent of access to a permanent visa type, but notes

²¹ UN Human Rights Council: Report of the Universal Periodic Review Working Group: Australia, (21 June – 9 July 2021) UN Doc. A/HRC/47/8, recommendations 146.330 (Peru) and 146.335 (Brazil).

²² Australian Labor Party, *ALP National Platform*, As Adopted at the 2021 Special Platform Conference, <https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>

²³ ABC News, ‘Grief and shock in Melbourne after Tamil asylum seeker dies by self-immolation’, 28 August 2024, <https://www.abc.net.au/news/2024-08-28/tamil-asylum-seeker-self-immolates-melbourne-protest/104281638>; Kenny, Mary Anne, ‘Trauma, mental health and the fast track assessment caseload’, Refugee Research Online, 12 June 2015, <https://refugeeresearchonline.org/trauma-mental-health-and-the-fast-track-assessment-caseload/>; M.A. Kenny and N. Procter, ‘The fast track refugee assessment process and the mental health of vulnerable asylum seekers’, *Psychiatry, Psychology and Law* Vol.23(1), pp.62-6 2015, <https://doi.org/10.1080/13218719.2015.1032951>

²⁴ Currently those who came as unaccompanied minors, those who arrived in 2010 or earlier; those who arrived as children with their families; those who have potential changes in country circumstances that might give rise to new protection claims; and other individuals who may have migration visa pathways as well - per Home Affairs evidence given in Senate Legal and Constitutional Affairs Legislation Committee, Additional Estimates, 24 February 2025, at page 105, https://www.aph.gov.au/Parliamentary_Business/Senate_estimates/legcon/2024-25_Additional_estimates

that it may be retraumatising for a person to be sent back to the beginning of the refugee assessment process, after having participated in a flawed and unfair one over a decade ago, and waited for a resolution ever since. All people who are living in Australia long-term on temporary Bridging Visas must have their status resolved without further delay.

2.24. This issue is likely to also be taken up by other states in their recommendations.²⁵ AIA recommends that the government consider a voluntary commitment to resolve the status of this group of people promptly and efficiently, without further delays or impacts on their health. This will address a significant human rights concern in relation to Australia's treatment of people seeking protection and improve Australia's standing on the human rights of refugees.

Act on climate by adopting net zero emissions by 2030 and ending fossil fuel use

2.25. The impacts of climate change pose an increasing risk to human rights and will impact particularly on marginalised communities and vulnerable groups, including women and Indigenous Peoples. In 2022 the UN Human Rights Committee found that the Australian Government had failed to adequately protect Torres Strait Islander Peoples from the impacts of climate change.²⁶

2.26. Australia's emissions *per capita* are among the highest in the world, with research by Climate Analytics showing it is the second highest emitter globally.²⁷ It also one of the largest exporters of fossil fuels after Russia and the US.²⁸

2.27. Despite scientific consensus, warnings and recommendations from the international community and experts, the Australian Government has continued to approve new and expansions of existing fossil fuel projects – with 30 new coal and gas projects under the *Environment Protection and Biodiversity Conservation Act 1999* approved since 2021, and more under the offshore oil and gas regime.²⁹ Australia's fossil fuel exports doubled twice in the last three decades, pushing Australia further out of step with the Paris Agreement.³⁰

²⁵ At the third UPR, a number of countries called on Australia to ensure that people seeking asylum have access to efficient and effective refugee status determination procedures that accord with international law: UN Human Rights Council: Report of the Universal Periodic Review Working Group: Australia, (21 June – 9 July 2021) UN Doc. A/HRC/47/8, recommendations 146.315 (Costa Rica), 146.316 (Afghanistan), 146.317 (Mexico), 146.318 (Argentina), 146.335 (Brazil).

²⁶ UN Human Rights Office of the High Commissioner, 'Australia violated Torres Strait Islanders' rights to enjoy culture and family life', 23 September 2022, <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>

²⁷ Climate Analytics, 12 August 2024, 'Australia's massive global carbon footprint set to continue with fossil fuel exports', <https://climateanalytics.org/press-releases/australias-massive-global-carbon-footprint-set-to-continue-with-fossil-fuel-exports>

²⁸ Ibid

²⁹ Fossil Fuel Treaty, 14 March 2025, 'A fossil fuel behemoth: Report exposes Australia's hypocrisy in wake of Cyclone Alfred', <https://fossilfuel treaty.org/australia-report-pr>

³⁰ Ibid

2.28. Amnesty International calls for States to urgently plan a “full, fast, fair and funded fossil fuel phase-out”, through just transition across all sectors, to prevent worse human rights harms.³¹ Amnesty also calls for States to meet their obligations in relation to climate finance for adaptation, loss and damage.³²

2.29. This call aligns with the view of the UN Special Rapporteur on Climate Change, who in May 2025 released a report clarifying states’ obligations to phase out fossil fuels within the decade. The Special Rapporteur advised that States should, among other duties:

- adopt legislation prohibiting new fossil fuel exploration and exploitation, and any expansion of fossil fuel infrastructure;
- immediately prohibit fracking, oil sands and gas flaring, and offshore exploration;
- take immediate defossilization measures; and
- the highest-emitting States should complete phasing out fossil fuels by 2030.³³

2.30. In the case of *Pabai v The Commonwealth*³⁴ the Federal Court held on 15 July 2025 that “the law does not currently support” the claim that Government has a legal duty of care to protect the Torres Strait, its people and their culture from climate harm. However, the following week the International Court of Justice issued an *Advisory Opinion on the Obligations of States in Respect of Climate Change* (ICJAO).³⁵

2.31. This has significant relevance for Australia. The ICJAO held that climate change treaties impose binding obligations on States, and additional duties exist under customary law, other conventions and protocols. Breaching these obligations constitutes an internationally wrongful act, the legal remedy for which may include cessation, assurances and guarantee of non-repetition, or providing restitution, compensation and satisfaction to injured states.³⁶ The Court also found that 1.5 degrees “has become the scientifically based consensus target under the Paris Agreement”.

2.32. Given this new understanding of States’ legal obligations regarding climate change, and the real potential for legal responsibility for compensation and restitution where they breach these, AIA considers it all the more imperative for the Australian Government to declare its plan to phase out fossil fuels, and prohibit new projects, expansions and exploration.

³¹ Amnesty International, 16 June 2025, ‘Global: Urgent action needed as climate crisis leads to devastating new harms to human rights’, <https://www.amnesty.org/en/latest/news/2025/06/global-urgent-action-needed-as-climate-crisis-leads-to-devastating-new-harms-to-human-rights/>

³² Ibid

³³ Human Rights Council, 15 May 2025, The imperative of defossilizing our economies: Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera*, UN doc A/HRC/59/42, par 56-63, <https://docs.un.org/en/A/HRC/59/42>

³⁴ *Pabai v Commonwealth of Australia* (No 2) [2025] FCA 796

³⁵ International Court of Justice, *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025, <https://www.icj-cij.org/case/187/advisory-opinions>

³⁶ International Court of Justice, 23 July 2025, Press Release No 36, ‘Obligations of States in respect of Climate Change: The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly’, <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-pre-01-00-en.pdf>

- 2.33. Australia's 2030 emissions reduction target of 43% falls substantially short of the scale of effort required to limit warming to 1.5°C³⁷ and was criticised by experts, with the Climate Council recommending 75% by 2030.³⁸ Climate science is clear that, to keep global warming at 1.5 degrees, Australia should set a target of net zero by 2035.³⁹
- 2.34. As Australia is currently preparing to set a 2035 emissions reduction target, AIA urges the Government to consider a voluntary commitment to increase Australia's 2030 emissions reduction target to net zero by 2030, in line with climate science and the Special Rapporteur on Climate Change's recent recommendation.⁴⁰
- 2.35. As Australia hopes to co-host next year's UN climate summit COP31, the Government has a unique opportunity to demonstrate its climate leadership by aligning its climate policies with science, international law and human rights. By adopting a net zero target by 2035, the Government would not only protect people in Australia and across the globe from the most catastrophic impacts of climate change but also demonstrate its commitment to upholding international law and respecting fundamental human rights.

End the risk of complicity in breaches of international humanitarian and human rights law - suspend arms export permits to Israel and support an arms embargo

- 2.36. Australia's defence export system is highly opaque, and raises serious concerns about compliance with the Arms Trade Treaty (ATT) and domestic arms control law.⁴¹
- 2.37. Export permits continue to be granted to governments with deeply troubling human rights records, including Saudi Arabia, the United Arab Emirates, the Philippines, Sudan, South Sudan, Israel, and Indonesia. Yet, due to the lack of public transparency, it is impossible to determine whether these exports have directly facilitated human rights abuses.
- 2.38. Amnesty International has raised concerns that Australian-manufactured weapons, components, and munitions could possibly be subject to onward sale to the Israeli military. AIA is gravely concerned by new reports confirming that Australia has directly supplied parts for F-35 fighter jets to Israel, which have been used in its genocide against Palestinians in Gaza. We have also raised concern that, while Australia has not issued direct export permits

³⁷ Climate Council, 'Mission Zero: How today's climate choices will reshape Australia', 20 September 2023, <https://www.climatecouncil.org.au/resources/missionzero/>

³⁸ The Australian Climate Case, 15 July 2025, 'Federal Court says climate change poses an "existential threat to all of humanity," despite finding law does not "currently" support claim', <https://australianclimatecase.org.au/climate-decision/>

³⁹ The ICJAO found that 1.5 degrees "has become the scientifically based consensus target under the Paris Agreement" – p 11. See also <https://www.acoss.org.au/wp-content/uploads/2025/07/Joint-Statement-July-2025-online.pdf>, and <https://www.climatecollege.unimelb.edu.au/files/site1/docs/%5Bmi7%3A%20uid%5D/ClimateTargetsPanelReport.pdf>

⁴⁰ Ibid, par 85

⁴¹ Quakers Australia, April 2025 'Is Australia Arming Human Rights Abuses? Australia's Opaque Arms Export Industry & Responsibilities Under International Law', <https://www.quakersaustralia.info/sites/aymmembers/files/Briefing%20on%20Arms%20Trade%20draft%204042025.pdf>.

to Israel since 7 October 2023, evidence suggests components from Australian companies may still be reaching Israeli forces via third countries, particularly the United States.⁴²

2.39. Thales Australia, who manufacture TNT for 155mm artillery ammunition shells out of Benalla in Victoria, as well as completed M795 155mm projectiles, likely provide these to the US through approved defence export permits. However, due to Australia's opaque defence export system, this is difficult to confirm. Notwithstanding this need for clarification, a recent \$147.5 million export permit from the US to Israel for 155mm shells was approved in December 2023. Part of this permit was M795 155mm shells, which are the same kind manufactured by Thales in Benalla, meaning that Australian manufactured ammunition/munitions might be being used by the Israeli military forces in Gaza.⁴³

2.40. The presence of Australian-made components in systems which are exported to Israel, including those for F-35 fighter jets used in Israeli airstrikes, raise concerns about Australia's risks of complicity in serious violations of international humanitarian and human rights law.⁴⁴

2.41. Australia has played a strong role recently in recognising the harm caused by Israeli Government's blockage of aid. AIA warmly welcomed⁴⁵ the Foreign Minister's joint statement in May 2025 with 23 other Foreign Ministers including EU, Canada and NZ, recognising that population of Gaza faces starvation, and calling for the Government of Israel to "allow a full resumption of aid into Gaza immediately and enable the UN and humanitarian organisations to work independently and impartially to save lives, reduce suffering and maintain dignity."⁴⁶

2.42. AIA further welcomes the strong position in a joint statement of the Foreign Minister issued in August 2025, recognising that the "humanitarian suffering in Gaza has reached unimaginable levels. Famine is unfolding before our eyes. Urgent action is needed now to halt and reverse starvation. Humanitarian space must be protected, and aid should never be politicised." AIA strongly supports the calls in it to the Government of Israel to:

“...provide authorisation for all international NGO aid shipments and to unblock essential humanitarian actors from operating. Immediate, permanent and concrete steps must be taken to facilitate safe, large-scale access for the UN, international

⁴² Amnesty International Australia, Governments' brazen flouting of Arms Trade Treaty rules leading to devastating loss of life, 19 August 2024, <https://www.amnesty.org.au/governments-brazen-flouting-of-arms-trade-treaty/>

⁴³ Amnesty International Australia, 'Extended release: Analysis of Australian Compliance with Arms Trade Treaty', 15 August 2024, <https://www.amnesty.org.au/analysis-of-australian-compliance-with-arms-trade-treaty/>

⁴⁴ Amnesty International Australia, 'Over 230 global organisations demand governments producing F-35 jets stop arming Israel', 21 February 2025, <https://www.amnesty.org.au/over-230-global-organisations-demand-governments-producing-f-35-jets-stop-arming-israel/>

⁴⁵ Amnesty International Australia, 21 May 2025, Foreign Affairs Minister's recent announcement offers a glimmer of hope for Palestinians in Gaza, <https://www.amnesty.org.au/foreign-affairs-ministers-recent-announcement-offers-a-glimmer-of-hope-for-palestinians-in-gaza-2/>

⁴⁶ Minister for Foreign Affairs, Senator the Hon Penny Wong, 19 May 2025, 'Joint donor statement on humanitarian aid to Gaza', <https://www.foreignminister.gov.au/minister/penny-wong/media-release/joint-donor-statement-humanitarian-aid-gaza>

NGOs and humanitarian partners. All crossings and routes must be used to allow a flood of aid into Gaza, including food, nutrition supplies, shelter, fuel, clean water, medicine and medical equipment. Lethal force must not be used at distribution sites, and civilians, humanitarians and medical workers must be protected.”⁴⁷

2.43. There is a strong opportunity in this UPR cycle for the Australian Government to build on those statements with further concrete action. Australia can take leadership in the global responses to Israel by suspending arms permits in the absence of a guarantee that arms parts will not be re-exported to Israel, and supporting a two-way arms embargo on Israeli and Palestinian armed groups.

2.44. This would align Australia with other states and our allies who have taken steps to suspend or partially suspend arms exports to Israel – including members of the Hague Group who committed to a total ban in July 2025, other nations who have committed to bans such as Germany, Belgium, Spain and Slovenia, and those committed to partial bans such as the UK, Italy, The Netherlands and Canada – due to growing concerns over “the humanitarian impact of Israel’s military operations, including the high number of civilian casualties and potential violations of international law.”⁴⁸

3. Recommendations

3.1. AIA recommends that the Australian Government make voluntary commitments to:

3.1.1. Enact a federal Human Rights Act to establish clear minimum human rights protections, and require governments to consider the rights of people when developing policies, passing legislation and delivering services.

3.1.2. Urgently raise the age of criminal responsibility across all States and Territories to at least 14 years, in line with the Convention of the Rights of the Child.

3.1.3. Abolish the use of practices that amount to torture or cruel, inhuman or degrading treatment of children in all justice settings.

3.1.4. Resolve the status of people who have lived for over a decade in temporariness, and end the use of temporary visas for people seeking protection in Australia.

3.1.5. Halt new coal and gas projects, and phase out existing fossil fuel production and export by 2030.

3.1.6. Increase Australia’s 2030 emissions reduction target to net zero by 2030 in line with the Special Rapporteur on Climate Change’s recent recommendation.

⁴⁷ Minister for Foreign Affairs, Senator the Hon Penny Wong, 12 August 2025, ‘Joint statement on the humanitarian situation in Gaza’, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/joint-statement-humanitarian-situation-gaza>

⁴⁸ Newsweek, 8 August 2025, ‘Map of Countries That Have Stopped Weapons Exports to Israel’, <https://www.newsweek.com/map-countries-weapons-exports-israel-2110947>

3.1.7. Support a comprehensive international arms embargo on Israel and Palestinian armed groups, until there are effective mechanisms to ensure that arms will not be used to commit or facilitate serious violations of international human rights and humanitarian law; alleged violations are thoroughly and impartially investigated; and there is an end to impunity for past and present abuses.

3.1.8. Suspend all arms export permits to the US and other countries without legally binding, independently verified end-use assurances guaranteeing that these items will not be re-exported to Israel.

4. Conclusion

4.1. The Australian Government should use this fourth Universal Periodic Review as an opportunity to rectify several serious gaps and failings in the protection of human rights in Australia subject to previous UPR recommendations, and in our global responsibilities not to support serious violations of international human rights and humanitarian law; and to take real action on climate change, by making early, voluntary commitments to address these issues.

4.2. Rather than relying on other States to highlight the deep concerns raised by human rights and civil society groups like Amnesty, on the lack of legislated federal human rights protection for all Australians, the overincarceration of First Nations children, treatment of refugees stuck in long-term limbo, arms trade issues and climate change action, Australia can proactively commit to materially improve the enjoyment and recognition of human rights in Australia.

4.3. Instead of the pattern we saw during the previous review, where Australia rejected almost half of the recommendations made, including a large number on the same issue, the Australian Government now has the chance to make strong voluntary commitments on those issues.

4.4. By addressing these matters, it is AIA's view that the Government can show leadership and advance on the global stage as a truly human rights protecting state, lending legitimacy and strength to its rights-based advocacy and supporting diplomatic and cooperative efforts to persuade other states around the world to abide by obligations under international treaties. This will improve our global reputation as a truly rights respecting and protecting nation.