



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

PO Box A147, Sydney South NSW 1235
alhr@alhr.asn.au www.alhr.asn.au

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Torture is torture. Call it what it is.

Australian Lawyers for Human Rights (**ALHR**) considers that the Prime Minister's response to allegations of torture in Sri Lanka represents an alarming shift in Australia's approach to international law.

ALHR President, John Southalan, explained "Torture is unconditionally banned under international law". This has always been the consensus: in the *Universal Declaration on Human Rights*, and in subsequent treaties on Civil and Political Rights and on Torture – both of which Australia has voluntarily joined. Southalan noted, "Under these treaties, the international community agrees that some rights can be limited in situations of national emergency or for public order, but torture is not one of those areas. The prohibition against torture is universal and unlimited."

The Australian Government assured the United Nations, in March 2013, that "Australia strongly opposes the use of torture, or cruel, inhuman or degrading treatment, by any country and in any circumstances."¹ Australia has previously called on many countries to join and implement the international treaties prohibiting torture, making this call of Trinidad and Tobago, Kazakhstan, Guyana, Tanzania, Lesotho, Sudan and Tajikistan. Australia had also demanded that States "ensure effective and independent investigations into all reports of torture and extrajudicial executions by members of the security forces".²

Now, on the eve of signing a cooperation agreement with Sri Lanka about asylum seekers, when questioned about allegations of torture, Mr Abbott said, "we accept that sometimes in difficult circumstances, difficult things happen".³

Southalan said, "With Australia now on the UN Security Council, and next year hosting the G20 summit, we cannot engage in double-standards diplomacy. Australia has previously demanded that other countries 'ensure effective and independent investigations into all reports of torture', which is what international law requires. It is a very worrying development that the Prime Minister appears to be suggesting that Australia 'accepts' that sometimes torture will happen."

Media Contact: John Southalan, President
M: 0417 932 143
E: president@alhr.asn.au

ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 3000 lawyers and law students, with active National, State and Territory committees.

¹ Australia's statement to UN Human Rights Council, *Clustered Interactive Dialogue with the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on Torture*, 4 March 2013.

² Australian recommendations regarding Guatemala (2008, A/HRC/8/38, 27). Australia has made similar calls in relation to Bangladesh, Russia and Eritrea.

³ Prime Minister, *Press Conference* (15 November 2013, Colombo, Sri Lanka).