



Environmental
Defenders Office



Environmental
Justice Australia



EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

Transcript of Joint Statement to the Universal Periodic Review of Australia

Fleur Ramsay, Special Counsel at the Environmental Defenders Office and I make this statement in coalition with Environmental Justice Australia and Earthjustice.

Across Australia, human-induced climate change is already violating human rights, including rights to life, health, and housing, and will do so at an increasing pace as temperatures rise. In 2019 and 2020, Australia’s unprecedented bushfires killed 34 people, destroyed over 5,900 buildings and at least 19.4 million hectares, and killed 1.5 billion animals.¹ Smoke pollution caused 400 deaths and 3,000 hospitalisations.²

Bushfires harm Indigenous peoples’ right to culture, including the symbiotic relationship Indigenous peoples have with ancestral homelands, plants and animals.³

The bushfires are one example of how climate change is harming human rights – Australians also face rising temperatures, droughts, floods, extreme weather, and sea-level rise.⁴

Australia is failing to satisfy its obligations to prevent immediate and future human rights violations caused by climate change. Already one of the world’s largest fossil fuel exporters and with per-capita emissions among the world’s highest,⁵ it is adopting policies which will accelerate human rights violations caused by climate change. The keystone of Australia’s Covid-19 economic response is a “gas-fired recovery”⁶ and it recently announced \$52.9 million for gas exploration.⁷

Indigenous peoples face government-sponsored fossil fuel extraction which will exacerbate vulnerability to climate change.

¹ Environmental Justice Australia, Environmental Defenders Office and Earthjustice, Joint Stakeholder Submission to the Universal Periodic Review of Australia (Jul. 8, 2020), para 4. Available at: <https://www.edo.org.au/publication/jointsubmission-un-periodic-review-of-australia/>

² *Id.*

³ *Id.*, paras 8-9.

⁴ *Id.*, paras 5-7.

⁵ *Id.*, para 19(d)(i).

⁶ Prime Minister, Minister for Energy and Emissions Reductions, Minister for Resources, Water and Northern Australia, Media Release (Sept. 15, 2020), <https://www.pm.gov.au/media/gas-fired-recovery>.

⁷ Commonwealth of Australia, *Budget 2020-21: Budget Strategy and Outlook, Budget Paper No 1 2020-21* (Oct. 6, 2020), budget.gov.au/2020-21/content/bp1/download/bp1_w.pdf.

Continued exploitation of fossil fuels violates Australia's requirement to avoid transboundary and extraterritorial harm, including to Pacific countries.⁸

We respectfully urge members of the Human Rights Council to recommend that:

1. Australia must mobilize maximum available resources to prevent human rights harms caused by climate change by setting enforceable deadlines to promptly phase out its production and export of fossil fuels and its domestic reliance on fossil fuels for energy; intensifying its efforts to meet and strengthen its 2030 Paris Agreement emissions reduction target without using carryover credits; and discontinuing support for activities that contribute to climate change.
2. Australia must respect, protect, and fulfil the rights of Indigenous peoples to culture and to free, prior, and informed consent in relation to extractive industries on their ancestral homelands.
3. Australia must respect, protect, and fulfil the rights to freedom of expression and assembly by ensuring NGOs are permitted to advocate on environmental issues and the public is permitted to peacefully protest.
4. Australia must respect, protect, and fulfil the right of children to express their views on climate change.
5. Australia must respect, protect, and fulfil the human rights of people who are in situations of climate change vulnerabilities, including young people and Indigenous peoples.
6. Australia must ensure that its contributions to climate change are consistent with respecting, protecting, and fulfilling human rights in other countries, particularly in small island states.

⁸ Environmental Justice Australia, Environmental Defenders Office and Earthjustice, Joint Stakeholder Submission to the Universal Periodic Review of Australia, above n.1, para. 21.