



**NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)**

**UNIVERSAL PERIODIC REVIEW  
51<sup>ST</sup> SESSION**

**STATUS OF HUMAN RIGHTS IN THE COMMONWEALTH OF AUSTRALIA  
FOR THE 51<sup>ST</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

*www.ECLJ.org  
4, quai Koch  
67000 Strasbourg, France  
Phone: +33 (0)3.88.24.94.40*

## Status of Human Rights in Australia for the 51<sup>st</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Commonwealth of Australia (Australia) for the 51st session of the Universal Periodic Review (UPR).

### Background

2. Australia is a country located in the Pacific Ocean and has a population of approximately 27.9 million people.<sup>1</sup> Approximately 43.9% of the population identifies as Christian, 38.9% belong to no religion, 3.2% identify as Muslim, 2.7% as Hindu, 2.4% as Buddhist, and 8.9% as belonging to other religions.<sup>2</sup>

3. Australia's last review was held on January 20, 2021.<sup>3</sup> As a result of the review, Australia received 344 recommendations, 177 of which it accepted.<sup>4</sup> It was recommended by Cuba, but only noted by Australia, that the government "[e]liminate discriminatory practices against persons with disabilities, including involuntary treatments, forced sterilizations and unjustified medical procedures."<sup>5</sup> It was also recommended by Libya, and supported by Australia, that the government "[r]edouble its efforts in providing the necessary care for older persons and persons with disabilities."<sup>6</sup> In our last UPR on Australia, we expressed concern over Australia's practice of carrying out forced sterilizations on people with disabilities. We also expressed concern over Australia legalizing voluntary assisted dying in the Australian state of Victoria.

### Legal Framework

4. Since the last UPR, every state in Australia has legalized voluntary assisted dying.<sup>7</sup> While legislation varies from state to state, legislation generally requires that the individual be

---

<sup>1</sup> John David Richard & Joseph Michael Powell, *Australia*, BRITANNICA, <https://www.britannica.com/place/Australia> (last updated July 10, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Australia*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/au-index> (last visited July 10, 2025).

<sup>4</sup> *Australia Infographic*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/AU/AUSTRALIA.pdf> (last visited July 10, 2025).

<sup>5</sup> OHCHR, UPR of Australia (3<sup>rd</sup> Cycle – 37<sup>th</sup> Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/AU/UPR37\\_Australia\\_Thematic\\_List\\_of\\_Recommendations.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/AU/UPR37_Australia_Thematic_List_of_Recommendations.docx) (last visited July 10, 2025).

<sup>6</sup> *Id.*

<sup>7</sup> Donna Lu & Melissa Davey, *What Are the Laws on Voluntary Assisted Dying in Each State*, THE GUARDIAN (Oct. 28, 2023), <https://www.theguardian.com/australia-news/2023/oct/29/what-are-the-laws-on-voluntary-assisted-dying-in-each-state>.

over the age of eighteen, be able to make his or her own decisions, and have a disease or illness that is likely to cause death within a certain time frame.<sup>8</sup>

5. On the issue of forced sterilization, there is currently no legislation that prohibits forced sterilization without the informed consent of the disabled person.<sup>9</sup> In Australia, courts are permitted to authorize the sterilization of disabled people if they are unable to give consent.<sup>10</sup> Courts typically grant permission if a legal guardian can prove that the procedure is in the best interest of the individual.<sup>11</sup>

6. Australia has a responsibility to protect the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities (CRPD). Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>12</sup> This right is also enshrined in the CRPD with similar language. Article 10 of the CRPD requires that “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”<sup>13</sup>

Additionally, Article 23 (b) and (c) of the CRPD states:

b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

c. Persons with disabilities, including children, retain their fertility on an equal basis with others.<sup>14</sup>

7. Further, Australia was one of eight countries that were involved in drafting the fundamental human rights document, the Universal Declaration of Human Rights (UDHR).<sup>15</sup> Under Article 3 of the UDHR, “[e]veryone has the right to life, liberty and security of person.”<sup>16</sup>

---

<sup>8</sup> *Voluntary Assisted Dying*, HEALTH DIRECT, <https://www.healthdirect.gov.au/voluntary-assisted-dying> (last reviewed April 2023).

<sup>9</sup> *Factsheet: Forced Sterilisation of People with Disability and People with Intersex Variations*, DISABLED PEOPLE’S ORGANISATIONS AUSTRALIA (Mar. 9, 2018), <https://dpoa.org.au/factsheet-sterilisation/>.

<sup>10</sup> Wendy Syfret, *In Australia, Intellectually Disabled Women Are Being Sterilized Without Their Consent*, VICE (Feb. 18, 2015), <https://www.vice.com/en/article/in-australia-intellectually-disabled-women-are-being-sterilised-without-consent/>.

<sup>11</sup> *Id.*

<sup>12</sup> International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>13</sup> Convention on the Rights of Persons with Disabilities art. 10, *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

<sup>14</sup> *Id.* art. 23.

<sup>15</sup> *Australia and the Universal Declaration of Human Rights*, AUSTRALIAN HUM. RTS. COMM’N, <https://humanrights.gov.au/our-work/publications/australia-and-universal-declaration-human-rights#:~:text=Australia%20was%20a%20founding%20member,in%20drafting%20the%20Universal%20Declaration> (last visited July 10, 2025).

<sup>16</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 3 (Dec. 10, 1948).

## Forced Sterilization

8. In our last report for Australia, we expressed concern about Australia’s practice of forcibly sterilizing disabled people. Tragically, this practice continues today.<sup>17</sup> According to the Victorian Women’s Health Services Network, women with disabilities have been “refused the right to consent to medical treatment including abortion, and are more likely to experience reproductive coercion than women without disabilities.”<sup>18</sup> One human rights lawyer reported that, in some cases, women who were deemed to be unfit to care for a child were forced to have abortions.<sup>19</sup>

9. From 2021 to 2023, there have been twenty-eight reported cases of people with disabilities being sterilized.<sup>20</sup> However, human rights lawyers caution that the actual number of cases may be higher as a result of unreported cases, or individuals may not know that they have been sterilized.<sup>21</sup> For example, some women were told they were having their appendix removed. It wasn’t until later when they decided they wanted children that they learned they had been sterilized.<sup>22</sup> Further, it is hard to get accurate and complete data on forced sterilizations because every state and territory is different. According to the executive director of Women with Disabilities in Australia:

It is very difficult to get accurate data [] because it depends on which state and territory it’s in, some have different requirements, some go through guardianship boards, last year there was a sterilisation performed on a young girl with a disability in South Australia but [the state] refused to give me any information.<sup>23</sup>

10. In 2023, Australia’s Disability Royal Commission released its initial report regarding violence, abuse, neglect, and exploitation of people with disabilities.<sup>24</sup> Unfortunately, on the issue of “non-therapeutic sterilizations,” the federal government felt it was better left to be decided by the individual states.<sup>25</sup> Australia’s unwillingness to reform its laws to protect disabled people can also be seen in its refusal to support the recommendation to “[e]liminate discriminatory practices against persons with disabilities, including involuntary treatments,

---

<sup>17</sup> Cat Woods, “State-Sanctioned Torture”: Women with Disability Continue to Suffer Forced Sterilisation, LSJ ONLINE (Jan. 21, 2025), <https://lsj.com.au/articles/state-sanctioned-torture-omen-with-disability-continue-to-suffer-forced-sterilisation/>.

<sup>18</sup> Tory Shepherd, *Disabled Australian Women Face Forced Sterilisation, Abortion and Contraception*, Health Groups Say, THE GUARDIAN (Apr. 26, 2023), <https://www.theguardian.com/australia-news/2023/apr/26/disabled-australian-women-face-forced-sterilisation-abortion-and-contraception-health-groups-say>.

<sup>19</sup> *Id.*

<sup>20</sup> Andi Faradilla Ayu Lestari, *Reproductive Violence: Forced Sterilization of Women with Disabilities in Australia*, MODERN DIPLOMACY (July 16, 2024), <https://modern diplomacy.eu/2024/07/16/reproductive-violence-forced-sterilization-of-women-with-disabilities-in-australia/>.

<sup>21</sup> *Id.*

<sup>22</sup> Nas Campanella & Evan Young, *The Biggest Takeaways from the Disability Royal Commission After Four Years of Hearings*, ABC NEWS (May 12, 2023), <https://www.abc.net.au/news/2023-05-13/disability-royal-commission-biggest-stories/102326830>.

<sup>23</sup> Cassy Coke, *Australian Senate Opens Inquiry into Forced Sterilization of Disabled People*, LIVE ACTION (June 5, 2023), <https://www.liveaction.org/news/australian-senate-forced-sterilization-disabled/>.

<sup>24</sup> Campanella & Young, *supra* note 22.

<sup>25</sup> Evan Young, et. al., *Federal Government Responds to Disability Royal Commission, Disability Advocates “Devastated”*, ABC NEWS (July 30, 2024), <https://www.abc.net.au/news/2024-07-31/government-responds-to-disability-royal-commission/104141938>.

forced sterilizations and unjustified medical procedures.”<sup>26</sup> Australia’s continued practice of sterilizing disabled people is inherently discriminatory and is in contravention of the CRPD, which clearly states that disabled people have a right to “retain their fertility on an equal basis with others.”<sup>27</sup>

### Voluntary Assisted Dying

11. In our last report, we also expressed concern that the state of Victoria legalized voluntary assisted dying and that other states were considering enacting similar legislation. Unfortunately, instead of protecting the right to life for all people, every state in Australia has now legalized voluntary assisted dying.<sup>28</sup>

12. When Victoria became the first state to legalize voluntary assisted dying, the Health Minister estimated that between 100 and 150 patients would utilize this method every year.<sup>29</sup> Since then, this number has proven to be a gross underestimate. The widespread legalization of voluntary assisted dying has already led to hundreds of people being killed through “assisted dying.” For example, in just the first three months of it being legal in New South Wales, more than 517 people applied to access voluntary assisted dying and 131 people were killed.<sup>30</sup> In 2023, Queensland reported that 793 people were killed via assisted dying that year.<sup>31</sup> Overall, more than 2,500 patients have been killed across Australia since the permissive legislation was enacted.<sup>32</sup>

13. Voluntary assisted dying laws have also been shown to result in unintended consequences, and gaps in the legislation have already led to at least one unintended death.<sup>33</sup> On May 16, 2023, a man died from taking the lethal pills that were intended for his wife.<sup>34</sup> The pills were delivered to the man because he was the contact person for his wife.<sup>35</sup> She ultimately requested to be injected with a lethal dose by a doctor because the pills were too big for her to swallow.<sup>36</sup> Under the law in Queensland, the husband had two days to return the unused pills, despite a doctor being present to administer the injection.<sup>37</sup> Tragically, the husband suffered from depression and took the lethal pills himself.<sup>38</sup>

---

<sup>26</sup> OHCHR, UPR of Australia (3<sup>rd</sup> Cycle – 37<sup>th</sup> Session): Thematic List of Recommendations, *supra* note 5.

<sup>27</sup> Convention on the Rights of Persons with Disabilities art. 23, *supra* note 13.

<sup>28</sup> *Overview of Voluntary Assisted Dying*, ELDDAC, <https://www.eldac.com.au/Our-Toolkits/End-of-Life-Law/Voluntary-Assisted-Dying/Overview> (Aug. 28, 2024).

<sup>29</sup> Rod McGuirk, *Voluntary Euthanasia Becomes Legal in Australian State*, AP (June 19, 2019), <https://apnews.com/general-news-ec6c5c73846f4b1899f6a5168bc31599>.

<sup>30</sup> Mostafa Rachwani, *More Than 130 Patients in NSW Died Through Voluntary Assisted Dying in Program’s First Three Months*, THE GUARDIAN (June 28, 2024), <https://www.theguardian.com/australia-news/article/2024/jun/28/nsw-voluntary-assisted-dying-laws-statistics-report>.

<sup>31</sup> Monica Doumit, *The Fatal Flaws in Queensland’s Euthanasia Scheme*, THE CATH. WEEKLY (Sep. 30, 2024), <https://catholicweekly.com.au/the-fatal-flaws-in-queenslands-euthanasia-scheme/>.

<sup>32</sup> Robert Fedele, *Voluntary Assisted Dying Eases Suffering for Terminally Ill Australians, But More Work to Do*, ANMJ (Aug. 13, 2024), <https://anmj.org.au/voluntary-assisted-dying-eases-suffering-for-terminally-ill-australians-but-more-work-to-do/#:~:text=Nearly%20%2C500%20Australians%20have%20chosen,Go%20Gentle%20Australia%20has%20revealed.>

<sup>33</sup> Doumit, *supra* note 31.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

14. Even though Australia claimed to support the recommendation to provide “the necessary care for older persons and persons with disabilities,” it has opted to instead legalize killing these people. Legalizing voluntary assisted dying does not provide healthcare to the elderly and disabled; rather it can pressure them into choosing to end their life early.<sup>39</sup> The elderly and disabled should not have to worry about whether they will be pressured or asked to apply for voluntary assisted dying instead of receiving the medical care they need.

15. The practice of voluntary assisted dying effectively rests on the notion that the disabled and sick do not enjoy the same rights as healthy individuals, mainly the right to life, and that they are better off dead. This practice is a flagrant violation of the UDHR, ICCPR, and CPRD, all of which require States Parties to respect and protect the life of all people without exception. Australia has an obligation to protect life, instead of intentionally killing people, either by providing the means for assisted dying or by not providing healthcare for the sick and elderly.

### **Recommendations:**

16. Australia must take immediate steps to enact legislation to protect disabled people from the abhorrent practice of forced sterilization. Disabled people have the same rights as healthy individuals. Australia must ensure that disabled people have a voice in the medical care they receive.

17. Additionally, we ask that Australia take steps to protect all life and ban the practice of medically assisted dying. It is concerning that, in just the few years this practice has been legalized, more than 2,500 people have already been killed. Australia has an obligation to protect the right to life for all its citizens.

---

<sup>39</sup> *Disability Is Not a Reason to Sanction Medically Assisted Dying – UN Experts*, OHCHR (Jan. 25, 2021), <https://www.ohchr.org/en/press-releases/2021/01/disability-not-reason-sanction-medically-assisted-dying-un-experts>.