

## [UN Committee Human Rights Committee finds Australia violated Torres Strait Islanders' rights to enjoy culture and family life](#)

**Date:** 29 September 2022

**Source:** [United Nations Human Rights Office of the High Commissioner](#) 

The UN Human Rights Committee (HRC) has found that Australia has violated the human rights of eight indigenous inhabitants of the Torres Strait Islands by failing to protect them from the adverse impacts of climate change and have violated their rights to enjoy their culture and be free from arbitrary interferences with their private life, family and home.

The HRC considers individual complaints that allege violations of an individual's rights [International Covenant on Civil and Political Rights](#)  (ICCPR) if the state is a party to the First Optional Protocol to the ICCPR, which establishes a complaints mechanism. Australia became a state party to the Optional Protocol in September 1991.

The authors of the complaint (the authors) were eight indigenous inhabitants of four low lying islands in Torres Strait who alleged that Australia was in violation of:

- Art 2, ICCPR: The state party obligation to adopt laws or other measures necessary to give effect to the ICCPR rights;
- Art 6, ICCPR: Right to life;
- Art 17, ICCPR: Freedom from arbitrary or unlawful interference; and
- Art 27, ICCPR: The protection of minorities.

The authors also claimed that Australia had violated the rights of the complainant children under Art 24(1) (children's rights to protection).

The complaints centred on the impact of climate change on the lives of the Torres Strait Islanders. The authors alleged that changing weather patterns resulting from climate change have a direct harmful impact on their livelihood, their culture and traditional way of life. In reaching their decision, the HRC took into consideration the author's close, spiritual connection with their traditional lands and their dependence on the health of their surrounding ecosystems for their cultural integrity. The HRC found that Australia's failure to take timely and adequate measures to protect the indigenous Islanders against adverse climate change impacts was in violation of their rights to enjoy their own culture and to be free from arbitrary interferences with their private life, family and home. The committee also found that Australia had not violated the author's right to life.

The court requested that Australia offer compensation to the Torres Strait Islanders for harm suffered as well as engage in meaningful consultations with the author's communities to assess their needs and take measures to continue to secure the communities' against the effects of climate change.

The complaint is particularly significant in that it was the first legal action brought by climate-vulnerable inhabitants of low-lying islands against a state. It's also the first time an international tribunal has made a determination that a state has violated the human rights of a group through inadequate climate policy, the first time a finding has been made against a state under human rights law in relation to greenhouse gas emissions, and the first time that Indigenous peoples' right to culture has been found to be at risk due to climate change.

The Federal Government have stated that they are currently considering the HRC decision and will issue a formal response in due course.