



Australian
Human Rights
Commission

Agency Input – Foreign Policy White Paper

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION
TO THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE**

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The Australian Human Rights Commission makes this submission to the Department of Foreign Affairs and Trade following their request for agency input for the Foreign Policy White Paper.

What are the international objectives of your department/agency? What form does your international engagement take (including forums you participate in)?

- The Commission is Australia's national human rights institution (NHRI). One of our stated objectives is to 'impact on the promotion of human rights through contributions to United Nations processes'.¹
- The Commission operates as an 'A status' NHRI in full compliance with the 'Principles relating to the Status of National Institutions' (The Paris Principles) of the UN General Assembly.² The Commission has participation rights with relevant United Nations mechanisms. The Commission provides input to these mechanisms through submissions, oral interventions and informal meetings in order to ensure better compliance with human rights obligations domestically.
- The Commission engages with the following UN bodies:
 - **Human Rights Council:** Regular sessions; Universal Periodic Review; Special Procedures, including special rapporteurs; Forum on Business and Human Rights; and the Expert Mechanism on the Rights of Indigenous Peoples.
 - **Human Rights Treaty Bodies:** for those treaties to which Australia is a party.
 - **Other UN bodies:** Including Commission on the Status of Women; Permanent Forum on Indigenous Issues; Open-ended Working Group on Ageing; and Office of the High Commissioner for Human Rights.
- The Commission works closely with civil society and NGOs in their engagement with UN human rights mechanisms. The Commission also administers a Disability International Participation Program (on behalf of the Department of Social Services) to support the participation of disability organisations in key international meetings.
- The Commission manages bilateral human rights technical cooperation programs on behalf of the Australian Government. The Commission currently provides technical expertise to China (and until recently to Vietnam) under the bilateral human rights dialogues that Australia has with those governments. We administer smaller programs with Laos and Sri Lanka, and one off activities in other countries within the Asia-Pacific region from time to time.
- The Commission is a bureau member of the Global Alliance of National Human Rights Institutions (GANHRI)³ and a founding member and forum councillor of the Asia Pacific Forum of National Human Rights Institutions (APF).⁴ The Commission regularly consults with the APF in sharing best practices and building capacity of NHRIs across the Asia Pacific region. The Commission is a member of the Commonwealth Forum of National Human Rights Institutions (CFNHRI).⁵

What are your thoughts on what changes in the international outlook (economic, demographic etc) over the next ten years or so will shape the operations of your agency and its objectives? What policy responses should be pursued?

- Recent events internationally contribute to uncertainty about the level of emphasis that other countries will place on multilateral approaches in general, and specifically in relation to human rights. As a NHRI, the Commission has a role ensuring support for the international human rights framework as a means of promoting and protecting human rights both globally and domestically. Australia should take a prominent role supporting the work of UN human rights mechanisms and wherever possible, call for the promotion of its values: equality and non-discrimination, good governance and the rule of law.
- The record levels of forced displacement globally will continue to place resource and political constraints on countries receiving migrants, asylum seekers and refugees. NHRIs, including the Commission, will be required to monitor policies enacted to address mass migration, to ensure that they are in line with human rights obligations. Australia should support its longstanding commitment to racially non-discriminatory policies in relation to the treatment of asylum seekers and refugees, and call on other countries to do likewise.
- Developed countries are commonly experiencing the impact of rapidly ageing populations, which will continue to place greater pressure on economic and social rights. The Commission expects to continue to advocate for better recognition and practical protection of the rights of older persons within UN mechanisms, including the Open-ended Working Group on Ageing.
- The 21st century is the 'Asian century', which will see increased influence and economic power in countries in Asia. The Commission remains concerned that the Asia-Pacific region remains one of the least democratic regions in the world, with a lack of human rights protections, as demonstrated by the poor ratification status of international human rights treaties within the region. Australia should emphasise encouraging countries in the region to promote the rule of law, effective governance and improved engagement with the international human rights framework. This would include technical support for implementation of human rights treaties.

What international engagement would you like to devote more effort and resources to? Which forms of engagement warrant less effort and resources by the Australian Government?

- The Commission supports further efforts to advance human rights issues in the Asia Pacific region. Australia should provide support and funding that promote good governance, the rule of law and gender equality. Australia should place a greater emphasis on building capacity of domestic mechanisms, such as NHRIs in the region, to achieve these goals. Partnerships between the Commission and DFAT to this end have been relatively low cost and highly successful. Consideration should be given to expanding capacity building efforts between NHRIs within the region.

- Australia has played a critical role in supporting the establishment and maintenance of NHRIs globally. This support is critical in UN fora such as the Human Rights Council and General Assembly. It remains cost effective and impactful for the government to draw upon the knowledge and expertise of the Commission in providing support to other NHRIs within the region, as well as continuing to support regional and global NHRI networks: particularly the APF, GAHNRI and the CFNHRI.

Do you collaborate with any other Australian Government agencies in your engagement? What are your main coordination mechanisms and forums? Are there gaps in coordination with other government agencies and how might this be improved?

- The Commission delivers services for Department of Foreign Affairs and Trade (DFAT) for the Human Rights Technical Cooperation Program with China. The Commission is in regular contact with DFAT regarding the program and attends the bilateral human rights dialogue.
- The Commission often consults with Australian missions in Geneva and New York when engaged with human rights mechanisms in country, and participates in country level activities that are sponsored by Australia.
- The Commission recognises a greater scope for cooperation when engaging with the Human Rights Council in Geneva. The Commission, as an 'A-status' NHRI, is in a position to support Australia's human rights advocacy at the Human Rights Council.
- The Commission participates in the newly established Standing National Human Rights Mechanism (SNHRM). Under the terms of reference for the SNHRM, the Commission will be consulted in relation to treaty body reporting processes and UPR and may be invited to attend meetings of the Commonwealth Inter-departmental committee (IDC).

How does your international engagement complement or connect to your domestic policy agenda? Are there gaps in coordination between Australia's international engagement and domestic policy agenda? How might such coordination be improved?

- Australia has shown leadership in human rights in engagement with multilateral mechanisms and through its aid program, but has had limited engagement with implementing human rights domestically.
- The establishment of the SNHRM and the development of a UPR monitoring mechanism are good starting points for better coordination. The Commission expects that as these mechanisms mature, better integration of human rights into the domestic system of law, policy and practice will emerge.
- Australia should take steps to ensure that the Sustainable Development Goals (SDG) indicators are used as a framework to monitor human rights progress domestically. A whole of government approach should be adopted to ensure Australia meets its obligations under the SDGs over the next ten years.

¹ Australian Human Rights Commission, *Corporate Plan 2016-2017* (2016) p 12. At <https://www.humanrights.gov.au/our-work/commission-general/publications/corporate-plan-2015-2016> (viewed 14 February 2017).

² *National institutions for the promotion and protection of human rights- Annex: Principles relating to the Status of National Institutions*, UN General Assembly, 85th session, UN Doc A/RES/48/134 (20 December 1993).

³ Global Alliance of National Human Rights Institutions. At <http://nhri.ohchr.org/EN/Pages/default.aspx> (viewed 10 February 2017).

⁴ Asia Pacific Forum of National Human Rights Institutions. At <http://www.asiapacificforum.net/> (viewed 10 February 2017).

⁵ Commonwealth Forum of National Human Rights Institutions. At <http://cfnhri.org/> (viewed 10 February 2017).