

Human Rights and Australian Foreign Policy

Australia's Role as a Principled
Advocate of Human Rights for All

Amnesty International Australia
Australian Council for International Development
Australian Forum of Human Rights Organisations
Foundation for Aboriginal and Islander Research Action
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The realisation of human rights should be a primary goal and instrument of Australian foreign policy. As a goal, we must commit to promoting human rights and the rule of law as a key foreign policy priority and a projection of core Australian and universal values. As an instrument, we must protect human rights to secure goals such as peace, justice, security and sustainable development.

As a democratic and creative middle-power with a strong track record in the development of human rights instruments and institutions, Australia is well-placed to adopt a position of international and regional human rights leadership. This paper sets out a range of actions for Australia to take as a principled and effective human rights champion.

Human Rights in Australian Foreign Policy

- The Government should develop a white paper on human rights and foreign policy. Such a paper could strengthen policy coherence, identify priorities for action, and make concrete, measurable commitments across all areas of Australian foreign policy which impact on human rights.
- The Government should consider identifying an issue or theme on which to provide strong and distinctive international human rights leadership, such as gender equality and empowerment, GLBTI rights, business and human rights responsibilities, or freedom of religion or belief.
- The Government should negotiate the inclusion of human rights safeguards in bilateral and multilateral agreements and undertake Human Rights Impact Assessments as part of doing business abroad, including in the areas of trade, investment and military cooperation.
- The Government should appoint a permanent, full-time Australian Human Rights Ambassador to promote human rights across all areas of foreign policy and ensure a coordinated and coherent approach to human rights at the international level.
- The Government should establish a high-level Human Rights Advisory Committee comprising experts from NGOs, academia and human rights bodies to provide external advice on human rights in foreign policy and on options for addressing human rights problems.
- The Government should provide such additional resources to DFAT as is necessary for Australia to become a more active and effective human rights promoting state, including by strengthening DFAT's human rights expertise, increasing the number of human rights policy officers and incorporating human rights and gender equality modules in all training (including pre-deployment).

Australia and the United Nations Human Rights System

- Consistent with Australia's constructive re-engagement with the UN human rights system and recent best practice approach to the Universal Periodic Review, the Government should:
 - commit to best practice follow up and implementation of UPR, Special Procedure and treaty body recommendations, including by developing stronger domestic follow up mechanisms (such as through a specific mandate to the proposed Joint Committee on Human Rights);

- more actively engage in the election of appropriate Council members and support for the candidacies of qualified treaty body members and Special Procedures; and
- play a more proactive role in . and in relation to . the Human Rights Council, including by advocating for a strengthening of its mandate and modalities in the forthcoming General Assembly review.
- Consistent with Australia's commitment to the universality and interdependence of human rights, together with accountability for breaches, the Government should expedite ratification of the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, the *Optional Protocol to the Convention against Torture*, the *International Convention on the Protection of the Rights of All Migrant Workers* and *ILO Convention 169 on Indigenous and Tribal Peoples*.
- Australia should commit its 2013-2014 UN Security Council candidacy to the global promotion, protection and realisation of human rights and the more intensive engagement of the Security Council in this endeavour, including by promoting the links between the realisation of human rights and international peace and security, thereby better focusing the attention of the Council on human rights issues.

Australia and Women's Rights

- The Government should establish the post of Ambassador for Women's Rights to champion gender equality and women's empowerment, promote the eradication of violence against women and strengthen efforts to enhance women's political participation in the region.
- The Government should fully fund and implement the National Action Plan on Women, Peace and Security in accordance with UN Security Council Resolution 1325. Australia should also work cooperatively with other governments in the region to assist in the development and implementation of their national action plans.
- The Government should fully fund implementation of the recommendations in the *Stop Violence: Responding to Violence against Women in Melanesia and Timor Leste* report.

Australia and Indigenous Peoples' Rights

- The Government should engage in further consultation with Aboriginal and Torres Strait Islander peoples as to implementation of the recommendations of the Report on Australia by the Special Rapporteur on the Rights of Indigenous Peoples (A/HRC/15/47.Add.4).

A Human Rights-Based Approach to Aid and Development

- The Government should adopt a human rights-based approach to aid and development policies and programs, including in relation to policy and program design, implementation, partnerships, training, monitoring and evaluation.
- The Government should increase aid and development funding to programs explicitly directed towards the promotion and protection of human rights, including the Human Rights Grants Scheme.

Australia's Role in Asia and the Pacific

- The Government should ensure that the promotion and protection of human rights is incorporated into the objectives and activities of all regional organisations and processes involving Australia.

- As recommended by the Joint Committee on Foreign Affairs, Defence and Trade, the Government should appoint a Special Envoy for Regional Cooperation on Human Rights to consult with governments and civil society on how Australia can best support human rights in the region.
- In the Pacific region, the Government should:
 - strengthen the presence and independence of the UN High Commissioner for Human Rights, including by increasing Australia's voluntary contribution to OHCHR;
 - continue and expand technical and financial support for the establishment and operation of Paris Principle-compliant national human rights institutions, including through the Asia Pacific Forum of National Human Rights Institutions; and
 - provide Pacific states and NGOs with further technical and financial support to ratify, implement and report under the core human rights treaties.

Country Specific Actions

Afghanistan

- The Australian Government should take all possible steps to ensure that respect for human rights, including women's rights, is integral to the reconciliation process in Afghanistan. The Australian Government should advocate strongly to ensure that the reconciliation and reintegration process does not grant official impunity to Taliban and other insurgents responsible for war crimes.
- The Australian Government should support calls for the International Criminal Court, to which Afghanistan is a signatory, to investigate war crimes and crimes against humanity in light of the conflict and the absence of an adequate domestic judicial system.
- The Australian Government should reconsider its policy, announced in December 2010, to transfer prisoners detained in Afghanistan to Afghan and United States forces as it could violate international law. The US continues to hold prisoners without access to fair legal processes and the Afghan National Directorate of Security, which runs some of the detention facilities, is frequently linked to torture and ill-treatment. Several NATO members, including the Netherlands, have created safeguards to ensure that detainees are not transferred to the US or NDS.
- The Australian Government should provide further detail on how it plans to implement to Memorandum of Understanding with Afghanistan and the UNHCR to return Afghan asylum seekers found not be refugees. Based on information released to date, it is doubtful whether the agreement could be implemented consistently with Australia's obligations under international law. Particular concerns include the lack of capacity for monitoring to ensure the safety of those returned, the provisions within the agreement for the return of unaccompanied minors, and the difficulties in seeking to return people to a country in ongoing conflict.
- The Australian Government should call on the Afghan Government to reconsider legislation which has seen Afghanistan's Ministry of Women Affairs (MoWA) take control of women's shelters. Under the new legislation MoWA has the power to determine who is eligible for protection via an eight-person admission panel with representatives from government ministers. The shelters house hundreds of Afghan women and girls whose lives are at risk due to forced marriage, underage marriage, and other forms of violence. The law also introduces a requirement of a forensic medical examination—a term referring to the examination that women are subject to when accused of adultery—a criminal offence in Afghanistan.

Burma

- We welcome the Australian Government's strong statements in the lead up to the November 2010 election. The Government should continue to call for the release of over 2000 political prisoners and support a commission of inquiry into human rights violations in Burma.

Fiji

- The Australian Government must condemn the torture and detention of activists in Fiji. At least ten politicians, trade unionists, government critics and other Fijians were arbitrarily arrested in late February 2011 and subjected to severe beatings and other forms of torture and ill treatment at the hands of the Fijian military. Australia should reiterate its calls for the Public Emergency Regulations to be suspended.

Iran

- In light of escalating human rights violations in Iran, most recently documented in the 14 March 2011 ~~Interim~~ Interim Report of the Secretary-General on the situation of human rights in Iran+(A/HRC/16/75), we look forward to the Government's strong support for a country-specific resolution on Iran at the Human Rights Council. The Australian Government should actively support the establishment of a Special Procedure of the Human Rights Council on Iran.

Middle East and North Africa

- Both at the UN level and through bilateral relations and aid and development arrangements, the Australian Government should promote human rights as being central to democratic, social and political reform in Egypt and Tunisia and continue to take a robust approach to combating and ensuring accountability for human rights violations in Libya.
- The Australian Government should continue to advocate for safe access to conflict-affected areas for humanitarian agencies so that they may provide medical aid and other emergency assistance to civilians. A humanitarian corridor should be established to assist the flight of refugees, asylum-seekers and others currently stranded in Libya, including Sub-Saharan Africans, such as Somalis, Ethiopians, and Eritreans, who are reportedly facing considerable danger and most of whom cannot be expected to return to countries where they would face a real risk of persecution or serious harm.

Sri Lanka

- The Australian Government should support calls for the UN to establish an independent international investigation into alleged crimes under international law, which is an essential step to ending impunity and ensuring justice for Sri Lanka victims and their families.
- The Australian Government should express concern that Sri Lanka's human rights record has not improved since the end of the conflict. It should also call for the 1900 people detained without charge, some in secret locations, under Sri Lanka's repressive counter-terrorism laws to be either charged and fairly tried or released.

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