

**Government Response to the
Joint Standing Committee on Foreign
Affairs, Defence and Trade's Human
Rights Sub-Committee Report:**

**Human rights in the Asia-Pacific:
Challenges and opportunities**

Recommendation 1

The Committee recommends that

- *The Australian delegations to its bilateral human rights dialogues with China and Vietnam include parliamentary representation from the Human Rights Sub-Committee of the Joint Committee on Foreign Affairs, Defence and Trade; and that*
- *The Department of Foreign Affairs and Trade provide the Human Rights Sub-Committee with an annual briefing on the outcomes of these dialogues, and on any other bilateral human rights dialogues that may later be established with countries in the Asia-Pacific.*

The Government supports this recommendation and acknowledges the value of parliamentary representatives participating in bilateral human rights dialogues. It has been the practice of successive governments to invite representatives of the Australian Parliament (including members of the Human Rights Sub-Committee of the JSCFADT) to participate in delegations.

The Department of Foreign Affairs and Trade would be pleased to provide briefings to the Human Rights Sub-Committee on the outcomes of bilateral dialogues.

Recommendation 2

The Committee recommends that AusAID adopt a human rights-based approach to guide the planning and implementation of development aid projects.

The Australian Government promotes and protects human rights through its aid program, including in the areas of gender, disability, good governance, health, education, and law and justice. While the Government does not label it a 'rights-based approach', human rights principles are integrated into the planning and implementation of development aid projects.

The Independent Review of Aid Effectiveness, commissioned by the Australian Government in November 2010, released their report in April 2011. The report noted that Australia's aid program is 'rich in activities that advance Australia's commitment to human rights'. The Panel also saw an opportunity to improve clarity and communication about the links between the aid program and human rights.

The Government's response 'An Effective Aid Program for Australia' (July 2011) meets this challenge by incorporating human rights into one of its key development objectives:

Improving governance in developing countries to deliver services, improve security, and enhance justice and human rights for poor people; and to improve overall effectiveness in aid delivery in partnerships between host governments and aid agencies.

Many aspects of AusAID's current policies and activities are working to advance human rights within the Asia-Pacific region. For example:

- The Human Rights Fund, established in 1996, is an important mechanism for supporting human rights activities in the Asia-Pacific region through the aid program. It supports the Office of the United Nations High Commissioner for Human Rights; the Asia Pacific Forum of National Human Rights Institutions; and the Government's Human Rights Grants Scheme (HRGS).
- The HRGS provides grant funding to non-government organisations and human rights institutions based or operating in developing countries. The HRGS is an important component of AusAID's overall approach to human rights and aims to build human rights capacity in areas of need across the world, including the Asia-Pacific region.
- The Government's 'Development for All' strategy aims to ensure that persons with disabilities are included in, and benefit equally from, development assistance and is an important part of the aid program's broader human rights agenda. The strategy contributes to meeting our obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD) by addressing the barriers experienced by persons with disabilities to social and economic opportunities throughout the Asia-Pacific.
- The promotion of gender equity and the empowerment of women in partner countries is an overarching objective of Australia's aid program. AusAID is committed to ensuring the needs, priorities and interests of women are considered in all development activities and at every stage of the development process.

Recommendation 3

The Committee recommends that in responding to the need to make progress in the region on embracing and implementing the universal human rights principles contained in the core human rights treaties, the Australian Government should review its current strategies, consult closely with key regional stakeholders, and consider work already being undertaken on this issue. This should include consideration of:

- *human rights education to enhance understanding in the region of the content, benefits and practical local application of these treaties; and*
- *ongoing support for countries to meet reporting and other participation obligations in the United Nations human rights system.*

The Government supports, and will continue to implement, this recommendation.

The Government has various strategies for promoting increased ratification of, and adherence to, core human rights treaties: bilaterally (through representations, dialogues and the aid program), regionally (through support for regional organisations that promote human rights) and multilaterally (through the United Nations). These strategies are kept under review.

The Government acknowledges the importance of consultation and engagement with key stakeholders and continues to look for ways to seek stakeholder views effectively. In promoting human rights in the region, the Government works closely with non-government organisations (NGOs), National Human Rights Institutions, and relevant authorities. The Government also recognises the importance of ongoing human rights education in the Asia-Pacific region, which it pursues through programs such as the Australia Awards initiative (for further information please see response to recommendation 4).

Through its aid program, the Government currently provides targeted funding and technical support to a number of countries in the Asia-Pacific region to assist them to meet their international human rights treaty obligations. For example:

- Australia's bilateral Human Rights Technical Cooperation (HRTC) programs with China and Vietnam have assisted the Vietnamese and Chinese Governments to meet their treaty reporting obligations and to incorporate aspects of these treaties into their domestic legal frameworks. This support has, in part, assisted China to draft national legislation on domestic violence. Vietnamese Government institutions have linked this assistance to major policy and legislative reform such as the enacted Law on Legal Education and Dissemination, the Gender Equality Law, the Law on Domestic Violence and the draft Law on Disability.
- In East Timor, the aid program has supported the development of a new national disability policy and strategy on disability. In Cambodia, Australia supported the development of disability rights legislation. A new program of support will enable the Royal Government of Cambodia to ratify, and then implement, the Convention on the Rights of Persons with Disabilities (CRPD).

- Australia provides funding to the Regional Rights Resource Team of the Secretariat of the Pacific Community (SPC/RRRT), which offers professional and technical support to build human rights capacity within Pacific Island governments and civil society organisations, including advice concerning obligations relating to international human rights treaties. SPC/ RRRT assists individual Pacific Island countries to develop appropriate legislation for the protection and promotion of civil society organisations and supports civil society in advocating for the establishment of human rights machinery in specific countries.

Recommendation 4

The Committee recommends that the Australian Government establish a scholarship fund to enable individuals from non-government organisations and civil society groups in Asia and the Pacific, who work in human rights or relevant fields, to attend approved human rights courses in Australia.

The Government supports this recommendation and is pleased to report to the Committee that it is already being implemented through programs such as the Australia Awards initiative and the Australian Leadership Awards Fellowships.

The Australia Awards initiative, funded from the aid program, provides scholarships (up to 3700 in 2014) for study in Australia largely at the postgraduate level, and professional development opportunities in developing countries and in Australia.

The Australia Awards provide opportunities to address needs across governments, the private sector, NGOs and civil society. Individuals from non-government organisations and civil society groups in Asia and the Pacific are eligible for the Awards and can undertake approved human rights courses and other human rights training in Australia. AusAID works closely with whole-of-government and development partners to encourage applications that focus on priority issues, including human rights. In 2009 and 2010, students from Nepal, Indonesia, Bangladesh, Pakistan and Vietnam were enrolled in human rights courses at Australian universities through AusAID-funded scholarships.

Since 2007, AusAID has funded five human rights-related programs through the Australian Leadership Awards (ALA) Fellowships. The Fellowships are designed to provide short-term opportunities for study, research and professional attachment programs in Australia delivered by Australian organisations. For example, Justice Equality Rights Access International Ltd (JERA International) received an award in 2010 to host 12 Fellows from the All China Women's Federation and Research Centre for Human Rights and Humanitarian Law and the Peking University Law School for Human Rights.

Training is also provided to NGOs and civil society groups in developing countries under the Human Rights Grants Scheme. In 2009-10, seven grants were provided to train representatives from NGOs on human rights issues.

Recommendation 5

The Committee recommends that the Australian Government appoint a special envoy for Asia-Pacific regional cooperation on human rights, to undertake consultations with countries in Asia and the Pacific, and report to the Government within 12 months. The special envoy should engage in discussion in the region on how Australia can best support regional approaches to the protection and promotion of human rights, and the redress for human rights violations in the Asia-Pacific. The special envoy's responsibilities should be determined by the Minister for Foreign Affairs, but could include:

- *undertaking high-level political consultations about the establishment of a Pacific subregional human rights mechanism and a wider Asia-Pacific regional mechanism; and*
- *consulting with government officials and key regional non-government stakeholders.*

The Government does not support this recommendation.

While recognising the desirability of greater regional cooperation on human rights, the Government notes that evidence presented to the Committee strongly cautioned against Australia being seen to be the driving force behind the establishment of a regional human rights mechanism. The Government considers that supporting practical, grassroots activities and initiatives is a more effective way to promote human rights in the Asia-Pacific. This is considered more likely to achieve broad support from countries in the region for human rights objectives.

The Government also notes that its network of Posts throughout the Asia-Pacific often perform a similar function to the one proposed for a Special Envoy on Human Rights, including providing advice on how Australia can support regional human rights initiatives. For example, the Australian embassies in Jakarta and Singapore provided extensive information and advice to Canberra over a number of months on the negotiations surrounding the formation of the ASEAN Inter-Governmental Commission on Human Rights (AICHR).

This advice informed Prime Minister Gillard's announcement in October 2010 at the ASEAN-Australia Summit in Hanoi that Australia would provide funding to support engagement between the Australian Human Rights Commission and AICHR so that the two Commissions could build strong linkages. In addition, Australian Heads of Mission regularly make representations on human rights concerns to foreign governments in the region and Posts routinely report to Canberra on human rights issues.

The Australian Government is pleased with the recent appointment of a Human Rights Adviser by the Pacific Islands Forum Secretariat. The Government encourages and supports the human rights activities being undertaken by the Pacific Islands

Forum Secretariat and the Regional Rights Resource Team (SPC/RRRT) of the Secretariat of the Pacific Community, including their work to explore a regional, demand-driven human rights mechanism.

The Australian Government also supports the Pacific Islands Law Officers' Network (PILON) in complementing the Pacific Islands Forum's efforts to improve the protection and promotion of human rights in the region. PILON's initiatives and activities in this respect are coordinated through the PILON Secretariat. For example, PILON members were encouraged at the 2009 meeting to consider their own legislative frameworks for compliance with international human rights instruments. In 2010, the PILON Secretariat, temporarily based in the Commonwealth Attorney-General's Department, coordinated and distributed to members a discussion paper on the implications of a regional human rights charter for the Pacific. The Australian Government will continue to participate in PILON human rights activities and initiatives, coordinated through the PILON Secretariat.

