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# **amnesty international australia**

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## **Submission to the Human Rights Sub Committee in its inquiry into the link between Human Rights and Aid**

### **1 Amnesty International**

Amnesty International is an impartial, independent, worldwide and voluntary movement, which campaigns internationally to prevent the violation of people's human rights. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International works for the realisation of human rights for all. Human rights are fundamental principles that allow the individual freedom to lead a dignified life, free from abuse and violations. The basic building blocks for international law on human rights are the Universal Declaration on Human Rights (UDHR) and the associated instruments of international law which include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These and other international human rights conventions, together with the core conventions of the International Labour Organisation<sup>1</sup>, represent the most widely accepted codification of human rights standards as enshrined in international law. The UN Declaration on the Right to Development is included within the broad ambit of this body of instruments.

Amnesty International, in its efforts to ensure human rights protection and promotion works with civil society organisations, human rights institutions, governments and non-state actors such as corporations<sup>2</sup>.

Amnesty International's research and campaigning for human rights began 40 years ago. While Amnesty International has an increasing role in discrete areas of work to assist in the

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<sup>1</sup> These are the eight ILO Conventions on labour rights, namely Conventions 29 (forced labour), 87 (freedom of association and protection of the right to organise), 98 (right to organise and collective bargaining), 100 (equal remuneration), 105 (abolition of forced labour), 111 (on discrimination), 138 (minimum age of workers) and 156 (equal opportunities and equal treatment for men and women workers: workers with family responsibilities), together with ILO Conventions 182 & 190 (child labour) and 169 (the rights of indigenous and tribal peoples).

<sup>2</sup> In relation to companies, Amnesty International is committed to working with business to improving human rights standards in business practice and to this end we advocate for the adoption of human rights codes of conduct as a practical starting point for companies to demonstrate their commitment to the realisation of human rights. Increasingly, businesses are recognising their responsibilities in human rights protection and promotion. These responsibilities may encompass issues such as employment conditions, use of security firms, relations with foreign governments, or the displacement of local people.

realisation of economic, social and cultural rights, its particular expertise is in civil and political rights protection and advocacy. Our comments in this submission reflect general principles about how the Australian Government's overseas aid program might support and implement international human rights principles, as well as providing practical protection for vulnerable groups such as women at risk and refugees. Our submission will accordingly be a short one, in which we hope to draw some general themes to the Committee's attention.

## **2 Australia, Human Rights and Aid**

Australia has had a creditable role in the development of international human rights and humanitarian standards. It actively supported many of the international instruments that form the basis of the human rights and humanitarian codes that now exist. This role has shown Australia to be a good international citizen.

Australia's strong and consistent support for human rights at an international level has had firm bipartisan and citizen support in Australia. Australia has had a strong focus on human rights (particularly in multilateral fora and in its support for UN treaties bodies), in humanitarian responses (particularly asylum and refugee resettlement) and in a consistently creditable approach to aid and development, especially within the Asia-Pacific region. Australia's leading role in responding to the serious deterioration of human rights in East Timor can also be seen in this context.

Regrettably, there appears to have been some shift in this position over recent time, such as the current approach to UN human rights committee recommendations, particularly as they pertain to indigenous and refugee rights. The unfortunate consequences are that the indivisible international moral standards that Australia helped to develop at the UN have been opened to dilution and controversy. Amnesty International would like to see Australia having a clearer voice on the international stage by dealing with existing human rights concerns in this country and is hopeful that the government will reconsider its stance in this respect.

## **3 The current inquiry**

Amnesty International is pleased that human rights forms an explicit statement of intent in AusAID's aid program delivery, as outlined in several successive annual reports to Parliament by the Foreign Minister on Australia's aid program. In 1998, the Foreign Minister outlined a framework of six key principles for ensuring that human rights are at the centre of Australia's aid program<sup>3</sup>. This initiative is to be applauded. Clearly, aid programs are an important way of assisting people in developing countries in the realisation of the full range of their human rights. Other key processes are the encouragement of transparency, accountability, democratic processes and institution building (such as Human Rights Commissions) in all countries. Many of these principles have been emphasised in successive Annual Statements to Parliament on Australia's aid program.

In this submission, Amnesty International would like to address two issues, namely the importance of involving local civil society organisations in the formulation and delivery of aid programs and the desirability of publicised guidelines on the manner in which AusAID formulates and implements its aid programs and ensures that human rights are realised in the target country.

### **3.1 Involvement of civil society organisations**

Amnesty International notes the emphasis on issues of governance in successive Ministerial Annual Statements to Parliament. As stated above, transparency and accountability in governance is a key process towards the realisation of fundamental human rights for all. At

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<sup>3</sup> Foreign Minister's Eighth Annual Report to Parliament on Australia's Development Cooperation Program, 1998.

the same time, Amnesty International notes that, despite the introduction of democratic processes to countries such as Indonesia and Cambodia, the human rights situations in such countries remains grave.

Just as good governance can ensure good economics, similarly a vibrant civil society can in turn ensure good governance. Amnesty International would urge the Committee to consider how civil society organisations, in addition to other non-state actors (such as national and transnational corporations), can be engaged in the formulation and delivery of Australia's aid program. In our view, civil society organisations can greatly influence stability and human rights outcomes in countries. While governments are ultimately responsible for human rights protection and promotion, Australia's aid program should work to strengthen local civil society organisations in their advocacy for human rights in the target country.

### **3.2 The desirability of publicised guidelines for AusAID**

Amnesty International considers that publicised human rights guidelines for AusAID may assist in demonstrating how Australia's aid program is fulfilling its stated commitment to human rights. Just as accountability and cultural change in governance in target countries is desirable, so too should government aid programs be clear and transparent in their aims and methods of delivery.

Amnesty International considers that human rights guidelines can assist in the measurement of progress in this respect. Clearly, aid achievements can be difficult to assess at the best of times, while human rights progress can, in many cases, be intangible. Guidelines may assist in identifying performance measures by which human rights progress can be measured. The way in which guidelines are formulated should be transparent, they should be developed in consultation with relevant non-governmental and community organisations and performance against the guidelines should be reported to Parliament. Where these guidelines are publicly available, confidence in the transparency and delivery of Australia's aid program is increased.

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