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The Parliament of the Commonwealth of Australia

# Human rights in the Asia-Pacific

## **Challenges and opportunities**

Joint Standing Committee on Foreign Affairs, Defence and Trade

April 2010  
Canberra

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## Foreword

This Report is the Human Rights Sub-Committee's response to Foreign Minister Stephen Smith's invitation on 3 September 2008 to inquire into and report on international and regional mechanisms currently in place to prevent and redress human rights violations, with a view to providing options on possible models that may be suitable for the Asia-Pacific region.

The Sub-Committee consulted with a wide variety of regional stakeholders and non-government organisations with a recognised and established interest in human rights based both in Australia and internationally.

For the purposes of the inquiry, the areas considered were South East Asia, South and South West Asia and the Pacific. Unlike other regions, the Asia-Pacific region does not have broad based regional human rights mechanisms for preventing and redressing human rights violations.

The Sub-Committee noted that evidence received indicated it would be premature to propose possible models for an Asia-Pacific regional human rights mechanism.

The Sub-Committee found that there is a clear need to enhance mechanisms for protecting human rights, and for monitoring and redressing human rights violations. However moves towards a subregional unified mechanism must originate and be driven by the countries of the region themselves. To this end the Sub Committee noted the interest expressed by some Pacific Nations to explore some form of meaningful regional human rights mechanism.


One way the Sub-Committee sees progress being possible is through the bilateral dialogues particularly through regular briefings to Parliament by government on dialogue outcomes.

Other recommendations in the Report were for AusAID to adopt a human rights based approach to guide the planning and implementation of development aid projects; support for regional ratification of existing UN and other treaties and for meeting other human rights obligations; Australian scholarship and educational support for non-government organisations and other civil society organisations in the region; and the appointment of an Australian special envoy on human rights to conduct high level consultations on regional human rights cooperation.

I would like to thank all who have participated in this inquiry, particularly those who have written submissions or given evidence at public hearings.

Ms Kerry Rea MP  
Human Rights Sub-Committee Chair





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Deputy Chair The Hon D Hawker MP

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Senator M Arbib (from 01/07/08 till 11/03/09)	The Hon J Bishop MP (from 11/03/09)
Senator A Bartlett (till 30/06/08)	Mr M Coulton MP (from 22/2/10)
Senator M Bishop	Mr M Danby MP
Senator M Cormann (till 23/09/08)	Ms A Ellis MP
Senator A Eggleston (till 19/03/08)	The Hon J Fitzgibbon MP (from 15/06/09)
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Senator S Ludlam (from 26/11/08)	The Hon J Murphy MP (from 20/03/09)
Senator the Hon J A L (Sandy) Macdonald (till 30/06/08)	Mr R Oakeshott MP (from 20/03/09)
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Senator R Trood	Mr S Robert MP
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The Hon B Baldwin MP	Ms J Saffin MP
The Hon A Bevis MP	The Hon B Scott MP
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	Senator M Forshaw ( <i>ex officio</i> )	Ms S Grierson MP
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## Terms of reference

On 3 September 2008, the Minister for Foreign Affairs, The Hon Stephen Smith MP, asked the Committee to inquire into and report on international and regional mechanisms currently in place to prevent and redress human rights violations, with a view to providing options on possible models that may be suitable for the Asia-Pacific region, with a focus on:

- the United Nations human rights system;
- regional mechanisms; and
- roles for parliaments



## List of abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ACFID	Australian Council for International Development
ACTU	Australian Council of Trade Unions
AHRB	ASEAN Human Rights Body
AHRC	Australian Human Rights Centre
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
APc	Asia-Pacific community
APF	Asia-Pacific Forum of National Human Rights Organisations
APPF	Asian Pacific Parliamentary Forum
ARF	ASEAN Regional Forum
ASEAN	Association of South East Asian Nations
AU	African Union
BCA	Burma Campaign Australia
CAT	Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment
CCF	Citizen's Constitutional Forum

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CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHRI	Commonwealth Human Rights Initiative
CIGJ	Centre for International Governance and Justice
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DFAT	Department of Foreign Affairs and Trade
ESCAP	Economic and Social Commission for Asia and the Pacific
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
HRC	Human Rights Council
HRLC	Human Rights Law Resource Centre
HRTC	Human Rights Technical Cooperation Program
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICPMW	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ISF	International Stabilisation Force
JSCFADT	Joint Standing Committee on Foreign Affairs, Defence and Trade
NGO	Non Government Organisation

NHRI	National Human Rights Institution
NCYLC	National Children's and Youth Law Centre
OAS	Organization of American States
OHCHR	Office of the High Commissioner on Human Rights
PICTs	Pacific Island Countries and Territories
RRRT	Pacific Regional Rights Resource Team
SCIL	Sydney Centre for International Law
UN	United Nations
UNIFEM	United Nations Development Fund for Women
UPR	Universal Periodic Review



# List of recommendations

## 6 Australia's role

### 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.

### Recommendation 2

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

### 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.

### 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.

### 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.





