

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Additional Estimates Hearings 2002-2003, 10-11 February 2003

Question: PM55

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Senator Crossin asked: Is the Government's review of the UN treaty system publicly available?

Answer: In August 2000, the Government announced measures to improve the effectiveness of the United Nations (UN) human rights treaty bodies, following its review of Australia's interaction with the UN treaty committee system. The findings of the review are outlined in the joint media release issued by the Minister for Foreign Affairs, the Attorney-General and the Minister for Immigration, Multicultural and Indigenous Affairs on 29 August 2000 (attached below).

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Joint media release

Australian Minister for Foreign Affairs, Alexander Downer, Attorney-General, The Hon Daryl Williams AM QC MP, Minister for Immigration and Multicultural Affairs, The Hon Philip Ruddock MP

Tuesday, 29 August 2000
FA97

Improving the Effectiveness of United Nations Committees

The Government will take strong measures to improve the effectiveness of the United Nations human rights treaty bodies, the Minister for Foreign Affairs Alexander Downer, Attorney-General Daryl Williams and Minister for Immigration and Multicultural Affairs Philip Ruddock said today.

The move is an outcome of the review of Australia's interaction with the UN treaty committee system, which was considered by Cabinet yesterday. The Government commissioned the review in March in response to our concerns with the approach taken by some UN committees to fulfilling their mandates.

The treaty review found that UN human rights treaty bodies need a complete overhaul especially:

(i) as regards the treaty committee system:

- to ensure adequate recognition of the primary role of democratically elected governments and the subordinate role of non government organisations (NGO's);
- to ensure that committees and individual members work within their mandates;
- to improve coordination between committees; and
- to address the current inadequate secretariat resources for research and analysis to support committees' work; and

(ii) as regards the international protection system:

- to ensure that the Office of the United Nations High Commissioner for Refugees (UNHCR) and its Executive Committee (Excom) maintain their focus on their primary objectives;
- to improve their operational effectiveness and responsiveness to states concerns; and
- to enable states to reassert their common understanding of international protection obligations.

Cabinet decided Australia's strategic engagement with the treaty committee system should be dependent on the extent to which effective reform occurs. In pursuit of reform the Government will take the following measures:

- Australia will intensify work with other States on reform of the treaty committee system, including through a high level diplomatic initiative with Ministerial leadership and more strategic use of meetings of state parties, to address our concerns.

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- Within the framework of Australia's continuing commitment to international human rights standards and monitoring, the Government will adopt a more robust and strategic approach to Australia's interaction with the treaty committee system both to maximise positive outcomes for Australia and enhance the effectiveness of the system in general.
- Australia will immediately implement a package of measures to improve our continued interaction with UN human rights treaty committees, including the following:
 - (a) reporting to and representation at treaty committees be based on a more economical and selective approach where appropriate;
 - (b) Australia will only agree to visits to Australia by treaty committees and requests from the Committee on Human Rights 'mechanisms' for visits and the provision of information where there is a compelling reason to do so;
 - (c) Australia will reject unwarranted requests from treaty committees to delay removal of unsuccessful asylum seekers from Australia; and
 - (d) Australia will not sign or ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which establishes a new complaints procedure.
- Australia will continue its high level campaign at Ministerial level to work with other states on reform of the UNHCR and its ExCom, as well as through a separate high-level diplomatic initiative.

In addition the Government will:

- (a) undertake a comprehensive review of Australia's and other parties' interpretation and implementation of the 1951 Refugees Convention and consider the need for remedial legislation;
- (b) establish a standing inter-departmental committee jointly chaired by DFAT and AG's to progress reform of the treaty committee system and coordinate future interaction with the treaty committees; and
- (c) establish an inter-departmental committee chaired by DIMA to coordinate implementation of the reform strategy outlined in paragraph (a) above.

Australia has long been an active proponent of reform of the committee system. We will build on this work and push for more intensive change. We will continue to work closely with other like-minded States and the UN.

Australia has a strong history of active support for the UN. We have a strong human rights record and we take our international rights and obligations seriously.

The Government believes these steps will ensure that Australia gets a better deal from the UN treaty committees. They will also strengthen the ability of the UN to deal with human rights issues. This will be a good result both in terms of furthering Australia's domestic interests and in ensuring the continued legitimacy and sustainability of the UN treaty committee system.