**HUMAN RIGHTS**

**DISCUSSION PAPER**

**2018**

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# Foreword by the President, United Nations Association of Australia

\*To follow in final version

# Acknowledgements

The UNAA thanks its numerous members who have contributed to this document and acknowledges and thanks the editorial team of Dr Steve Lennon, Fadzi Whande, Lachlan Hunter.

In particular the role of Jo Tighe in coordinating the compilation of the document through its various versions in sincerely appreciated. Jo has worked with disadvantaged and marginalised members of the community for over 15 years. Her work has taken her across Australia and spans the mental health, indigenous, alcohol & other drug, youth, homeless and long-term unemployed sectors. The not-for-profit sector is her passion. In 2018 she worked as an Intern with the United Nations Association of Australia National Human Rights Program. Jo holds a Master in Public Health and is currently finishing her Master in International Development at the University of Western Australia.

# Introduction by the President, United Nations Association Australia (WA)

Seventy years ago, on 10 December 1948, the United Nations General Assembly approved the Universal Declaration of Human Rights. This Declaration was a watershed in the early history of the United Nation. It is a Declaration forged out of the ashes of the horrors of the Second World War and one which would set the scene for the major progress made towards the achievement of universal human rights around the world. One can only be inspired by the courage, foresight and vision of those who drafted this foundation document at a time when the world was still beset with every possible form of discrimination. If one now considers the plethora of conventions, declarations, institutions and laws which further the Articles of the UDHR, we can only marvel at how we have progressed towards the goal of true equality globally.

At the same time there is still an enormous amount to be done. The level of inequality across societies in both wealthy and poor nations and amongst nations, means that poverty remains one of the biggest challenges in achieving universal human rights. It does not however stop there. The 17 Sustainable Development Goals clearly show the world how far we still need to go in creating a truly sustainable world. And key to achieving this sustainability is the recognition of the rights of all humans.

Australia is both an ancient and youthful nation which has confronted its fair share of discrimination and prejudice. It is also a work in progress, however the values inherent in Australian society, its multicultural diversity and strong sense of justice, means that it is well positioned to address the many human rights issues it still needs to address at home. At the same time, we recognise the role Australia has to play on the world stage in assisting others to join us on this journey towards global and domestic equality.

It is in this spirit that the United Nations Association of Australia has compiled this discussion document – not with the intent of providing answers, but rather with the intent of generating awareness, engagement and action to progress Human Rights in Australia and abroad.

As the lead for the National Human Rights programme of the UNAA, The Western Australian Division is proud to be able to make this contribution to the discourse on Human Rights.

**Dr Steve Lennon**

# Executive Summary

Australia historically has been, and continues to be, a good international citizen. It has actively participated in the formulation of, and the adherence to, values enshrined in the United Nations as well as those of its organs and the declarations and initiatives they produce. As a democratic nation with respect for the rule of law, Australia’s adherence to these values is codified in its constitution, legislation and common law, as well as through formal and informal human rights institutions at federal, state/territory, local and non-governmental levels. These institutions are complemented by a balanced separation of powers and a strong engagement with international civil society.

Australia must continue its commitment to good international citizenry by responding to domestic, regional and international developments in human rights, both current and future. Australia possesses the moral imperative, technical capacity, and democratic institutions to address these issues, but to do so it must reform and enhance its domestic legislation, institutions and attitudes on a number of key issues. Australia must also encourage its neighbours to do the same by fostering good governance, participation in civil society, and human rights within other states in the Indo-Pacific. Australia must therefore lead not only by example, but by actively supporting other nations to follow suit.

To achieve this, there are several fundamental human rights issues proposed in this position paper which have been identified by the United Nations Association of Australia as areas where Australia can and should increase its efforts in the pursuit of human rights. These areas range from rights of minority groups, to inclusive and participative institutions, to rule of law and good governance, to issues of fundamental human rights, and more. The necessary responses to these issues are identified holistically, and therefore varies between local, state/territory, and federal government responses, as well as through civil society groups, non-governmental organisations, and national human rights institutions.

The goal of this paper is therefore to outline Australia’s current position in the promotion of human rights at home and abroad, to identify areas for improvement, and to suggest how Australia can address these issues.

Due to the changing nature of the international arena in which human rights issues have become intrinsically linked with peace and security concerns, Australia is in a position to take a leading role in world issues of today. For example, as a current member of the United Nations Human Rights Council and a recent non-permanent member of the United Nations Security Council, Australia can enhance the effectiveness of the United Nation’s work on human rights by developing effective mechanisms for communication and reporting between these organs. Additionally, Australia can play a vital leadership role in increasing the observation of human rights, good governance and rule-of-law in the Indo-Pacific through bilateral and multilateral exchanges with its neighbouring countries which encourage them to increase their participation and cooperation with civil society.

Furthermore, it is important for Australia to maintain its adherence to international norms and laws by regularly reviewing and strengthening its responses to global, regional and domestic developments. Australia must maintain its commitment to human rights by combatting corruption, promoting transparency, strengthening public institutions, and reinforcing education, both domestically and with its neighbouring states.

Additionally, Australia must also respond to the impact that developments in information technology have on human rights, particularly in protecting freedom of expression in online user-generated content and its implications for the right to privacy. Australia therefore must develop legislation and institutions to explicitly recognise and protect these freedoms, play a stronger role in ensuring that domestic and international companies operating within Australia abide by these principles, and continue its pledges to advocate for the protection of journalists and human-rights defenders.

Lastly, Australia must improve the protection of the human rights and freedoms of peoples based on religion, sexual orientation, disability, and age. As the migrant population of Australia has increased substantially since 2000, the demographic makeup of race and religion within Australian society has changed. Likewise, changes in stigmas has led to greater representation of members of the LGBTI, youth and disabled communities in Australian society. It is vital for Australia to strictly refrain from maintaining institutions or attitudes which contribute to or exacerbate the unlawful discrimination against such groups or individuals. Australia must commit to grounding its human rights in cosmopolitan secularity and create inclusive spaces which promote inter-group dialogue and meaningful engagement.

# Overview of Australian Human Right’s Environment

Australia has a long and proud history of fostering respect for human rights domestically, excepting the early days of white settlement with its structural blindness to the rights of Indigenous people – a negative legacy, the impacts of which are still evident today. Australia has also been an active participant in the development of international human rights norms. Australia was a founding member of the United Nations, one of eight nations involved in drafting the Universal Declaration on Human Rights (UDHR). Australian leadership was evident through the contributions of Dr HV Evatt, head of the Australian delegation to the UN, and president of the UN General Assembly when, in 1948, the UDHR was accepted. He was supported by Colonel WR Hodgson who helped define the basic human rights and responsibilities included in the UDHR. In addition, Ms J Street, the only woman on the Australian Delegation, achieved the recognition of equal rights for both men and women, leading to the change in the opening of the draft UDHR from 'All men and brothers…' to 'All human beings are born free and equal in dignity and rights'.[[1]](#footnote-2)

It should however be noted that Australia did not believe that all provisions of the UDHR applied to the Australian indigenous population. In fact, in contradiction to its support for the UDHR, indigenous people were unable to decide where they wanted to live, or vote. Indeed, they were not included in population census. Some official statements and actions demonstrate that they were not considered human. It took the 1967 referendum to ensure that the Aboriginal population was recognised in the Australian Human Rights Policy and legislative space.

Australia continues to engage with the international human rights system, having ratified almost all of the major international human rights conventions, covenants and instruments. This strong human rights tradition is reflected in the Australian human rights environment through policy and legislation, human rights institutions and our approach to global human rights issues. Excepting its failings in the treatment of the Aboriginal peoples, Australia has always been a leader in elements of human rights. For example, Australia was among the first countries to give men the vote regardless of their wealth and occupation. This was quickly amended to included women having the same rights to vote. In this regard Catherine Spence in South Australia became the first woman in the world to stand for election to public office.

**Human Rights Policy and Legislation**

Australian human rights policy and legislation must be understood in the context of federation. The policy and legislative framework consist of the following three key pillars: the Australian Constitution (Constitution); the common law; and Commonwealth, State and Territory legislation.

However, unlike many other liberal democracies, Australia does not have a national Bill of Rights that codifies human rights protections. While there have been previous attempts to introduce such a framework, none have been successful. The Human Rights Bill 1973 (Cth) lapsed and the Australian Human Rights Bill 1985 (Cth) was defeated in the Senate. An attempt to expand existing constitutional rights, among other changes to the Constitution, was overwhelming defeated in September 1988. Most recently, the 2009 Report on the National Human Rights Consultation (2009 Report) recommended a Federal Human Rights Act, but this recommendation was not adopted by government.

Constitutional Rights

During the drafting of the Constitution, there was significant debate about the inclusion of express human rights guarantees in our founding document with a concern that such rights may erode the legislative power of the States. The text eventually adopted reflects a conservative approach predominantly based on the rights proposed in the preliminary draft prepared by then Tasmanian Attorney-General, Andrew Inglis Clark.

These express rights include the right to vote (section 41), protection against acquisition of property on unjust terms (section 51 (xxxi)), the right to a trial by jury (section 80), freedom of religion (section 116) and the prohibition of discrimination on the basis of an individual’s State of residency (section 117). These rights are constitutionally enshrined and therefore cannot be limited by legislation or policy.

Since 1901, the High Court of Australia has interpreted these rights in landmark cases including Roach v Australian Electoral Commissioner and the Commonwealth [2007] HCA 43, in which the majority of the Court invalidated legislation preventing all prisoners serving a full time sentence of detention from voting in federal elections. The High Court has also recognised that additional rights may be implied from the text and structure of the Constitution. In Australian Capital Television Pty Ltd v Commonwealth [1992] HCA 1, the Court first recognised an implied right to freedom of political communication which operates as a limit on the law-making power of the Commonwealth Parliament and protects public discussion about political matters.

Common Law

The Australian common law derives from the courts in England and was inherited through federation into our modern legal system. The common law refers to the body of principles or rules made by judges in the adjudication of legal disputes. The common law recognises a range of human rights, including the rules of natural justice such as the right to be heard, the presumption of innocence, the privilege against self-incrimination and the right of access to the courts. However, these rights may be modified or extinguished by legislation made by the Parliament.

There are also common law presumptions that inform the interpretation of legislation made by the Parliament. One particularly important presumption is the ‘principle of legality’, which provides that the Parliament does not intend to interfere with fundamental rights unless this intention is clear and unambiguous in the legislation. The principle of legality has been relied upon by the courts to support an interpretation of legislation that does not unduly interfere with common law rights. For example, in X7 v Australian Crime Commission [2013] HCA 29 the majority of the High Court applied the principle to conclude that a power of compulsory examination did not authorise the questioning of a person subject to pending criminal charges on the basis that this would interfere with the right to silence and there was no clear parliamentary intention to do so in the legislation.

Legislation

The third pillar of Australia’s human rights framework is legislation at a Commonwealth, State and Territory level. Legislation across jurisdictions implements, to varying degrees, the following seven major human rights treaties which Australia has signed or ratified:

* International Covenant on Civil and Political Rights (ICCPR)
* International Covenant on Economic, Social and Cultural Rights (ICESCR)
* Convention on the Rights of the Child (CRC)
* Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
* Convention on the Rights of Persons with Disabilities (CRPD)
* Convention on the Elimination of All Forms of Racial Discrimination (CERD)
* Convention against Torture (CAT)

Under Commonwealth law, there is a suite of legislation that protects Australians from discrimination and safeguards against the breach of certain human rights, including the Australian Human Rights Commission Act 1986 (Cth) (see further the discussion on the Human Rights Commission below), the Age Discrimination Act 1992 (Cth), the Disability Discrimination Act 1992 (Cth), the Racial Discrimination Act 1975 (Cth) and the Sex Discrimination Act 1984 (Cth). However, Australia has not yet domestically implemented many of the rights under the ICCPR and the ICESCR.

In addition, the Commonwealth Parliamentary Joint Committee on Human Rights scrutinises whether federal laws comply with international human rights and each new Bill introduced to the Commonwealth Parliament must be accompanied by a Statement of Compatibility with Australia’s international human rights obligations. These measures were introduced as part of the Australian Human Rights Framework in response to the 2009 Report mentioned above.

The position varies in relation to State and Territory human rights laws. The Australian Capital Territory was the first Australian jurisdiction to enact a Bill of Rights through the Human Rights Act 2004 (ACT). Victoria soon followed with the passage of the Charter of Human Rights and Responsibilities Act 2006 (Vic) (Victorian Charter). While the other States and Territories have not enacted similar schemes, there have been numerous public consultations, inquiries and reports over the years exploring the need for a similarly robust human rights framework in these jurisdictions.

***Human Rights Institutions***

The legislative framework for the protection of human rights is complemented by human rights institutions at a Commonwealth, State and Territory level. The key Commonwealth institution is the Australian Human Rights Commission (Commission), established as an independent statutory authority that leads the protection and promotion of human rights in Australia. The Commission engages in education, policy and legislative development, human rights compliance, and provides a mechanism for individuals to make discrimination and human rights complaints under Commonwealth legislation.

In Victoria, a similar role is fulfilled by the Victorian Equal Opportunity Commission (Victorian Commission), which educates the public about the rights and responsibilities contained in the Victorian Charter. However, unlike its Commonwealth counterpart, the Victorian Commission does not handle complaints arising under the Charter. Complaints about most breaches can be made to the Victorian Ombudsman. The Ombudsman investigates complaints in relation to administrative actions taken by the Victorian Government, statutory authorities and officers of local councils. There are similar Ombudsmen in every State and Territory, and at the Commonwealth level.

***Global Human Rights Issues***

Australia is an active participant in global human rights issues. The Australian Government has been a strong proponent of initiatives to support gender equality and the empowerment of women, particularly in the Indo-Pacific region (see section 4.2.1). There have also been increased efforts nationally and locally to combat violence against women and girls, which remains an increasing issue in Australia and internationally. There also remain significant challenges in relation to gender discrimination, lack of representation and pay inequities that continue to persist across industries.

Australia remains committed to ensuring good governance through strong national human rights institutions and capacity building (see section 4.2.2). The constitutional separation of powers between the executive, legislature and judiciary provides a foundation for the maintenance of the rule of law domestically, but there is a need for further support for human rights institutions (see section 4.2.5), education and awareness and the fostering of a vibrant civil society (see section 4.2.10). The independence of these institutions remains crucial. Internationally, Australia continues to contribute to the maintenance and development of a rules-based global order, including through targeted development assistance. This includes respect for the important role of human rights workers and the protection of these individuals, particularly in conflict zones (4.2.11). Australia remains a strong proponent for the abolition of the death penalty (see section 4.2.6).

Like other countries around the world, Australia continues to work towards better recognition of the rights of particularly vulnerable groups including religious and ethnic minorities, Indigenous and Torres Strait Islanders (see section 4.2.4), young people (see section 4.2.10), LGBTI individuals (see section 4.2.8) and people living with disabilities (see section 4.2.9). These groups face increased risks of discrimination, violence and harassment. There is more work to be done domestically and internationally to ensure these, and all, individuals are able to freely and safely exercise their human rights. This includes further consideration of the correct balance between fundamental rights and freedoms, including freedom of religion (see section 4.2.7) and freedom of expression (see section 4.2.3).

# Australia & the United Nations Human Rights Council

# History & Focus Areas

Membership of the Human Rights Council bestows both privileges and obligations on Member States. General Assembly resolution A/RES/60/251 requires that members of the Council uphold

the highest standards in the promotion and protection of human rights. Membership of the Council presents Australia with an opportunity to reinvigorate its commitment to the promotion and protection of human rights, both in Australia and in our region.

At the same time, Australia’s position on the Human Rights Council means that its human rights record will now be the subject of increased international scrutiny. General Assembly resolution A/RES/60/251 encourages member countries to make voluntary pledges and commitments about their conduct as members of the Human Rights Council. Australia lodged these with the United Nations General Assembly on 24 July 2017[[2]](#footnote-3). The pledges are in line with Australia's five campaign pillars of: -

* Gender equality
* Good governance
* Freedom of expression
* The rights of indigenous peoples
* Strong national human rights institutions and capacity building

In addition, Australia stated an intention to achieve the following core objectives: -

* The abolition of the death penalty
* Equal human rights for LGBTI people
* Freedom of religion and belief

In this submission, Australia also pledges to:

* Support the independence of the United Nations High Commissioner for Human Rights;
* Uphold its open invitation for visits by special procedures mandate holders as visible commitment to being open to scrutiny;
* Promote the participation of civil society and human rights defenders, and underscore the importance of protection against reprisals;
* Promote and support universal participation in the Human Rights Council;
* Support implementation of the 2030 Agenda for Sustainable Development nationally, regionally and globally;
* Provide a generous and non-discriminatory humanitarian resettlement programme in response to the global refugee crisis;
* Welcome people from every nation, celebrate diversity and remain committed to combating racism and xenophobia;
* Promote and enhance regional cooperation to combat trafficking in persons and slavery;
* Embed key protections for persons with disabilities into national policies, laws and programmes, and,
* Continue to support global efforts to promote the implementation of States’ responsibility to protect.

Human rights issues are increasingly linked to peace and security concerns. As a member of the UN Human Rights Council for the 2018 – 2020 term, Australia is in a prime position to help strengthen the Council and the broader human rights system. The UN Security Council being the world’s peak body for responding to threats to international peace and security, there is a need for stronger linkages between the Security Council and the Human Rights Council to address human rights abuses around the world. In the Security Council and at the General Assembly, Australia has frequently underlined the importance of building effective measures to provide appropriate mechanisms on prevention and accountability. In this regard, Australia has in recent times been a leader in pushing for the strengthening of the human rights framework to be applied to Security Council and General Assembly resolutions. Australia can work to broker mechanisms for *enhanced connections and reporting between the Security Council and the Human Rights Council.* The integration of human rights on the Security Council’s agenda, by empowering the Human Rights Council’s purpose in protecting and promoting human rights around the globe, is key to enhancing the UN’s effectiveness in its work on human rights. In particular, the Security Council can be a force for action in translating human rights principles into the laws of States. Notably, Australia’s contributions on the Security Council in 2013 – 2014, together with its application to seek for election to the Council as a non-permanent member in 2029 – 2030, are testimony to Australia’s commitment to global cooperation to achieve results. Australia’s experience in the Security Council, combined with its membership of the Human Rights Council, provides an opportunity for it to facilitate a shift within the Security Council towards recognising the strong correlation between human rights violations and security issues.

Human rights depend upon free expression and good governance. Australia advocates for the universal abolition of slavery and the death penalty. It is also committed to supporting the rights of people with disabilities, the rights of indigenous Australians, and to combating homophobia. Australia on the Human Rights Council means taking its role in promoting strong national human rights institutions seriously. It means protection of individual liberties and putting constraints on government through the separation of powers to ensure fundamental human rights are protected. On Human Rights Council resolutions in the past, Australia has promoted the freedom of civil society organisations. National human rights institutions stand between governments on the one hand and civil society on the other. As robust civil society organisations play a crucial role in advancing human rights, Australia can demonstrate leadership by encouraging Member States to *increase opportunities for civil society organisations* to make meaningful contributions to Human Rights Council processes. Increasing the formal participation of civil society will contribute to the protection and strengthening human rights internationally. Freedom of expression is core to the United Nations’ values and fundamental to develop governmental policy that can be scrutinised by both the public and experts who have professional incentives to objectively evaluate policy.

Australia supports democratic principles, the rule of law, equality before the law, and fairness in trial processes. It has a strong sense of good international citizenship and considers itself as a regional leader for human rights. Australia’s election to the UN Human Rights Council confirms its commitment to affirming that the UN is the preeminent legitimate international organisation established to preserve the rules-based international order. It also affirms its focus on providing a distinct Indo-Pacific perspective by working closely with countries in the region to protect and advance human rights. This is a unique opportunity for Australia to take a *leading role in the Indo-Pacific region in promoting a strengthening of the rule of law* and encouraging increased cooperation with UN monitoring mechanisms. Australia can promote human rights through constructive bilateral dialogue and working with countries in the region to advance and protect human rights through development and humanitarian assistance. Australia can stand up for the fundamental dignity and human rights of people in the Indo-Pacific region. This is well illustrated by our recent leadership in acknowledging Institutional child abuse, applying the justice system and demonstrating the strength of the Separation of Power in our society.

Core human rights treaties and treaty bodies require most committees to appoint one or more of their members to act as country rapporteurs to take the lead in drafting the list of issues for a specific country. Rapporteurs play an important role in the treaty making process from local perspectives. The mechanisms established as special procedures by the Human Rights Council serve to examine, monitor, advise and publicly report on human rights situations in specific countries or worldwide. Australia can work towards *strengthening the role of special procedures* by encouraging neighbouring states to extend standing invitations to Special Rapporteurs. Special Rapporteurs work with Governments to act on human rights concerns through a range of activities including fact-finding missions, reports with recommendations, implementation guidance, and public awareness. Through technical expertise and increasing the exchange of information and best practices between treaty bodies, coupled with special procedures, facilitation and capacity building, neighbouring countries can be empowered to tackle their human rights challenges.

Australia is committed to human rights that underpin peace and prosperity. In particular, it is a nation that believes deeply in gender equality. Gender equality and women’s empowerment have been placed at the centre of the country’s international aid program. The Australian Ambassador for Women and Girls promotes the rights of women in multilateral, regional and bilateral forums. The Human Rights Council presents an important platform for Australia to take *a leading role with respect to country situations in our region,* such as investing in women and girls’ growth and development. In addition, it can bring attention to human rights abuses against women and girls. It can address the underlying inequalities and culture of impunity for these abuses, which might mitigate an escalation of conditions that lead to civil conflict. By working with partners to achieve the 2030 Agenda for Sustainable Development, which include goals to advance gender equality, Australia’s overseas development assistance can be a catalyst for advancing human rights in the region.

# Proposed Australian Input to UN & International Human Rights Issues

Based on the stated Pillars of Australia’s pledge related to Human Rights, this section suggests priorities for Australia’s input to the Human Rights Council.

# Gender Equality

The UNAA notes that:

Achieving gender equality and, by extension, empowering all women and girls is the fifth Sustainable Development Goal (SDG) set by the United Nations. At the same time the Preamble to Agenda 2030 highlights the fact that the SDGs “….seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible….” As such, Goal 5 may be considered an essential pre-condition to achieving the remaining 16 SDGs and as a result, gender equity is a key enabler for the achievement of the Goals and targets included in Agenda 2030. In its assessment of the current status of the world the UN states the following: -

*“While the world has achieved progress towards gender equality and women’s empowerment under the Millennium Development Goals (including equal access to primary education between girls and boys), women and girls continue to suffer discrimination and violence in every part of the world.*

*Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Unfortunately, at the current time, 1 in 5 women and girls between the ages of 15-49 have reported experiencing physical or sexual violence by an intimate partner within a 12-month period and* *49 countries currently have no laws protecting women from domestic violence. Progress is occurring regarding harmful practices such as child marriage and FGM (Female Genital Mutilation), which has declined by 30% in the past decade, but there is still much work to be done to complete eliminate such practices.*

*Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. Implementing new legal frameworks regarding female equality in the workplace and the eradication of harmful practices targeted at women is crucial to ending the gender-based discrimination prevalent in many countries around the world.”[[3]](#footnote-4)*

Australia contributes to this goal on an international level in many ways, and its position on the Human Rights Council will enable it to further develop this contribution. In 2017, the Foreign Policy White Paper has elevated gender equality to be a top priority of the international aid program.[[4]](#footnote-5)

The Department of Foreign Affairs (DFAT) developed a strategy in 2016 that aims to promote Goal 5 known as the *Gender Equality and Women’s Empowerment Strategy (the Strategy)*.[[5]](#footnote-6) This policy framework contains a strategy that establishes specific and measurable priorities and also mandates 80% of funds invested are to be applied to addressing gender quality. The approach adopted by DFAT is a positive example of a strategy that contains an obligation to address gender inequality regardless of the policy objective.

Despite this significant step forward, further analysis of the Strategy conducted by the International Women’s Development Agency, CARE Australia and the Australian Council for International Development have shown there are important areas for improvement.[[6]](#footnote-7) These include: -

* Increase funding for organisations that address gender inequity

In 2016 – 2017 Australia spent $2.07 billion on investments that listed gender equality as a key objective. However, in the past 5 years, the aid budget has been reduced 8 times and by 2022, Australia is projected to dedicate 0.19% of our Gross National Income to Official Development Assistance (ODA). Overall, Australia has reduced its contribution to international aid and Australia is considered one of the lowest world contributors to ODA. This has a negative flow on effect to achieving gender equity as women and girls are disproportionately affected by poverty and will be severely disadvantaged by the reduction in foreign aid. This in turn exposes women and girls to gender based violence which is often the consequence and cause of security failures on the international stage. It is therefore clearly in Australia’s interest to reverse this negative trend in ODA. At this stage, Australia has not reached the 80% funding goal as outlined in the Strategy and DFAT and Treasury should address this inconsistency.

DFAT’s report on the Performance of Australian Aid lists gender equality as a target that has not yet been achieved and also highlights the mixed results in achieving gender equality in different countries. In order to address this matter, it is recommended that: -

* DFAT introduces specific expenditure targets for all international projects focused on gender equality and encourage other countries to do the same;
* Australia increases funding to organisations focused on women’s rights internationally;
* Australian diplomatic posts provide annual reports on the work they have done to promote the empowerment of women in their location;
* DFAT consider including women and girl’s empowerment as a precondition to the receipt of development aid;
* Development Aid prioritise the creation of local employment of women which has been demonstrated to have a positive and systemic effect in alleviating domestic abuse; and,
* Improve transparency

Despite gender equality being identified as a key objective for Australia’s aid program, spending on this priority is not specifically tracked. The lack of transparency in individual investments that address gender inequality has resulted in confusion over the quantifiable impact that has been achieved by the Strategy. The methodologies used to calculate spending differs drastically across DFAT budget papers, Senate Estimates and the Performance of Australian Aid, which makes it difficult to draw comparisons.

It is therefore recommended that Australia: -

* Improve transparency of aid budgets by sharing information in a clear and timely manner;
* Ensure there is accountability by sharing budget measures publicly;
* Unify the methodology used to calculate foreign aid spending across government agencies;
* Increase accountability for those in senior leadership positions in DFAT to deliver on gender equality goals.

In addressing the priorities identified by the UN relating to Gender equality, if is further recommended that Australia support the following positions in its input to the Human Rights Council: -

* All countries should be encouraged to establish and implement laws protecting women from domestic violence.
* All countries should be encouraged to establish and implement laws banning harmful practices such as child marriage and FGM (Female Genital Mutilation).
* All countries should be encouraged to provide women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes.
* All countries should be encouraged to assure female equality in the workplace and to eradicate harmful practices targeted at women.

# Good Governance

The UNAA notes that, while no single, exhaustive definition of ‘good governance’ exists, and its scope is not delimited and commands universal acceptance, it primarily demands the provision of due process and fair trial in administering justice.[[7]](#footnote-8) Depending on the context, good governance is recognized as encompassing concepts such as full respect of human rights, the rule of law, effective participation, equity, transparent and accountable governance and an efficient and effective public sector.[[8]](#footnote-9) At the same time, corruption in both public and private spheres exists across all countries and is the biggest threat to good governance and all human rights, with repercussions permeating national borders.[[9]](#footnote-10) There is however a significant degree of consensus that good governance relates to political and institutional processes and outcomes deemed necessary to achieve development goals.[[10]](#footnote-11) Good governance involves public institutions managing public affairs and resources and guaranteeing the realization of human rights; in a manner free of abuse and corruption, and with due regard for the rule of law.[[11]](#footnote-12)

In light of this the UNAA believes that:

* Good governance is essential to the realization of all human rights, allowing human rights principles to be sufficiently respected and protected.[[12]](#footnote-13)
* Good governance should not be limited to respect for national law and should instead extend to law consistent with the international human rights framework, with strong channels to promote justice.[[13]](#footnote-14)
* The achievement of good governance is satisfied by deliverances on promises of human rights, where government institutions effectively guarantee these rights to the public. [[14]](#footnote-15)
* Good governance is strengthened by the presence of democratic institutions, successful service delivery, fidelity to the rule of law, and commitment to combating corruption.[[15]](#footnote-16)
* Good governance is a prerequisite to the success of democratic institutions. The failure of governance comes at an extremely high price, not only in the failure of the institutions but also in exposing vulnerable people to the full cost of human rights abuses.

The UNAA urges the Australian Government to address the following six critical issues in strengthening good governance globally, regionally and domestically:

* To continue its pledge to support partner governments in the region in strengthening governance by building institutions and strengthening public services which increase stability.[[16]](#footnote-17)
* To strengthen its commitment towards combating corruption in both the public and private sectors. In this regard companies and institutions should be encouraged to lend visible support to the 10 principles of the United Nations Global Compact.
* To foster and support a major emphasis on domestic and regional education and promotion of good governance principles.
* To continue its pledge to promote good governance by ensuring transparency in its public institutions, which are accountable and responsive to the needs of all Australians and Australian residents.[[17]](#footnote-18)
* Strengthen its involvement in the Pacific Islands Forum which has also repeatedly expressed a strong commitment to achieving regional co-operation on human rights and good governance.
* Place a stronger emphasis on education and promotion. In this respect, the role of civil society organisations (NGOs) is important and their role should be enhanced and formally recognized in national as well as UN structures[[18]](#footnote-19).

The UNAA welcomes opportunities to work with the Australian Government in addressing these initiatives and exploring innovative new approaches towards strengthening good governance domestically, regionally and internationally.

# Freedom of Expression

The UNAA notes that freedom of expression is a fundamental cornerstone of human rights and as such needs to be a priority in the deliberations of the Human Rights Council. Today, one of the major issues in protecting the freedom of expression is regulating online user-generated content, as is the problem of politicization of information through social networks – the so-called ‘post-truth’ media. Currently, corporate initiatives to protect user rights are lacking, and often not incentivized or supported by States.[[19]](#footnote-20) Under an obligation to protect the exercise the freedom and ensure environments enabling this exercise,[[20]](#footnote-21) States should at a minimum, ensure that companies adhere to the framework of behaviour prescribed by the Guiding Principles on Business and Human Rights. [[21]](#footnote-22)

At the same time, States must manage this freedom carefully, conscious of implications to multiple interdependent rights, such as the right to privacy, and freedom of religion or belief.[[22]](#footnote-23) Neither the Australian High Court’s establishment of an implied freedom of political communication,[[23]](#footnote-24) nor its position as a democracy, exempts it from a violation of the right. [[24]](#footnote-25)

The UNAA believes that:

* Freedom of expression should be sustained as a key item on the agenda of the Human Rights Council.
* Punitive regulatory frameworks only undermine this freedom,[[25]](#footnote-26) which is best protected through promoting media diversity and independence, and access to information.[[26]](#footnote-27) At the same time codes of media ethics need to receive greater prominence and support in the sector.
* While currently non-binding, the overwhelming civic roles possessed by companies that retain the personal data of billions, strongly encourage the adoption and implementation of global standards of conduct established by the Guiding Principles on Business and Human Rights.[[27]](#footnote-28)
* While legitimate State concerns, such as national security, ostensibly justify regulation, States should still avoid pressuring companies into overregulation, or demanding for quick automatic removals which risks undermining the freedom.[[28]](#footnote-29)
* As automated moderation tools are limited in assessing and appreciating context and risk removing positive content,[[29]](#footnote-30) they should be supplemented by human review and disclosure about removal discussions.[[30]](#footnote-31)
* As with all States, Australia cannot restrict the right to hold opinions without interference, and limitations on freedom of expression must satisfy the cumulative conditions of legality, necessity, and legitimacy, under article 19 of the ICCPR.[[31]](#footnote-32)
* The impact of regulation on users should be minimized through increasing transparency, with companies reporting on the number and nature of governmental requests received and executed, and their responses.[[32]](#footnote-33)

The UNAA urges the Australian Government to address the following eight critical issues in protecting the freedom of expression:

* To immediately review and reform relevant legislation, which should provide reasonably clear definitions on key terms to prevent an arbitrary exercise of power in the removal or criminalization of content.[[33]](#footnote-34)
* To encourage other Australian states and territories to adopt legislation recognizing and explicitly protecting the freedom, as done in the ACT[[34]](#footnote-35) and Victoria.[[35]](#footnote-36)
* Encourage greater clarity in the definition of company prohibitions of content, and shift away from subjective and unstable bases for content moderation.[[36]](#footnote-37)
* To ensure that companies operating with Australia directly incorporate relevant human rights principles into their terms of service and community standards[[37]](#footnote-38)
* To ensure that any extraterritorial removal of content is executed following a request in the relevant jurisdiction through legal and judicial processes.[[38]](#footnote-39)
* To avoid imposing disproportionate penalties on internet intermediaries regarding content regulation, [[39]](#footnote-40) or any requirement of proactive content monitoring and filtering.[[40]](#footnote-41)
* Continue delegating the arbitration of lawful expression to the judiciary under regulatory frameworks, as opposed to governmental authorities or private bodies.[[41]](#footnote-42)
* To spearhead the publication of detailed transparency reports on content-related requests it issues to intermediaries.
* Continue its pledges to advocate for the protection of journalists and human rights defenders, and inter-state cooperation to protect the online enjoyment of the right.[[42]](#footnote-43)

The UNAA welcomes opportunities to work with the Australian Government in addressing these initiatives and exploring innovative new approaches towards guaranteeing the freedom of expression.

# Rights of Indigenous Peoples

The UNAA notes that an estimated 370 million indigenous peoples live within approximately 90 different countries across the globe, speaking over half of all living languages, and practicing more than 5,000 unique cultures. Many of these groups, holding deep connections to traditional lands, have survived and evolved over thousands of years.

The term indigenous is difficult to define, as there is great diversity amongst different groups in regard to the context in which their indigenousness stems. However, the United Nations Permanent Forum provides certain criteria for recognising indigeneity, including: self-identification; historical continuity with pre-colonial societies; links to traditional land and environments; distinct social, economic and political systems; distinct language, culture and beliefs; existing as minority groups of society; as well as working to maintain and reproduce their cultural aspects.

Given the difficulties in defining what constitutes an indigenous person or group — as well as the longevity and enormity of undertaking all-encompassing studies — gathering and assessing a collective data set can present its own issues. Making comparisons between distinct indigenous groups on opposite sides of the globe potentially ignores the context and history of each unique population. In saying this, there are seemingly universal issues faced by indigenous peoples the world over, many stemming from the impact of colonisation. The effects of dispossession and invasion of territories are still currently felt today, as described below. Many indigenous groups world-wide feel they have a lack of control over their own ways of life, and when they have reacted by attempting to assert their rights, they have been met with physical abuse, imprisonment, torture and sometimes death.

Over the last decade, the UN has released three large scale reports on the current state of indigenous peoples in the areas of overall well-being, as well as more specifically in health, and education. By exploring the damning realities relating to individual indigenous groups, the collective picture is an alarming one.

Poverty

While making up approximately 5% of the global population, indigenous peoples constitute 15% of the world’s poor, and about one-third of the world’s extremely poor rural people (United Nations, 2009, p. 21).

Suicide, violence and incarceration

Indigenous peoples are more likely to suffer from violence and brutality (frequently at the hands of military forces), commit suicide, and be incarcerated compared with non-indigenous people. Furthermore, indigenous women are disproportionately affected by domestic violence and sexual abuse, with approximately one in three indigenous women having been raped.

*Culture*

Many indigenous cultures — viewed as being inferior — are threatened with extinction after their peoples have been excluded in decision-making and policy framework of the countries in which they live. Upwards of 90% of all existing languages (most being indigenous) may become extinct over the next century; and when languages die, cultural communities are damaged.

Environment

In various countries — but by no means all or even most — land rights are part of an effort to somewhat right the wrongs of colonisation and dispossession. Even in these countries, however, ineffective procedures in many cases have caused delays as well as shelving of claims. Even successfully claimed areas of land are often leased out by the State for mining or logging purposes without consent by the rightful indigenous holders. Furthermore, the increased use of new technologies and land management approaches, including chemical fertilisers and pesticides, have degraded and destroyed many self-sustaining ecosystems — forcing Indigenous groups to resettle elsewhere. Additionally, the effects of climate change threaten the existence of many indigenous groups worldwide.

*Human rights*

Globally, indigenous people experience human rights abuses such as those surrounding: dispossession of land and denial of land rights; continuing assimilation policies; marginalisation; as well as systemic racism, starting at the top from the state and its authorities. Furthermore, while fighting to defend their rights, indigenous people have frequently been punished with detention when legislation and the justice system have been used to criminalise social protest activities.

*Health*

Indigenous peoples face major health problems compared to their non-indigenous counterparts, including: shorter life expectancy; higher rates of malnutrition, child mortality, suicide, mental illness, and alcohol and drug abuse; elevated prevalence of lifestyle diseases, such as obesity, diabetes, hypertension, cardiovascular disease and chronic renal disease; as well as increased diseases caused by environmental contamination and infection diseases caused by faecal contamination. Internationally, more than half of the total indigenous adult population suffer from Type 2 diabetes. Various obstacles also impede indigenous peoples from accessing public health systems. These include geographical isolation, inadequate facilities within communities, language barriers, illiteracy, and a lack of cultural awareness.

Education

Generally, indigenous peoples have their own learning systems and unique ways of transmitting knowledge, based on oral traditions. Across the globe, the basic framework of mainstream education, in many cases, ignores or discourages such practices. Furthermore, and within the context of indigenous children being forcefully removed and enrolled in residential schools, formal education has been conceived by many indigenous groups as a means of assimilation into mainstream national society. Disparities between indigenous and non-indigenous peoples exist world-wide in the areas of educational access, retention and achievement. These can be addressed by replicating the many examples of working within the language groups' own systems, for example in Remote Community Schools.

A global issue

The above disparities in overall well-being, health and education between indigenous and non-indigenous peoples are issues found not only within developing countries, but within developed ones too.

Australia must work with other UN member states to strive towards remedying the current non-inclusive norms surrounding indigenous peoples’ status in global society. The Universal Declaration of Human Rights and The Declaration on the Rights of Indigenous Peoples should be realised and utilised as guiding principles to achieve the Sustainable Development Goals (SDGs) relevant to indigenous peoples. These include Zero Hunger; Quality Education; No Poverty; Good Health and Well-being; Reduced Inequalities; and Peace, Justice and Strong Institutions.

The UNAA urges the Australian Government to address the following:

* Approach policy considerations regarding indigenous people in the international sphere with an emphasis on empowerment and self-determination. This should incorporate the bringing together of indigenous health leaders, academics and policymakers, who can provide expert knowledge in the area. As has been demonstrated to be so effective in many indigenous societies, Bodies of Elders could be established from the major sectors of health, education and civil society to inform and guide the policy makers.
* Continue commitment to the DFAT Indigenous Peoples Strategy 2015-2019: A framework for action. This four-pillar strategy includes influencing international policy to advance indigenous interests, delivering international programs, encouraging Indigenous Australians to apply for opportunities to engage with the international community, and ensuring inclusive workplace culture across DFAT ("DFAT Indigenous Peoples Strategy 2015-2019: A framework for action," 2015).
* Continue active engagement in UN forums and processes, including the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous peoples. Working closely with the Special Rapporteur on the Rights of Indigenous Peoples is urged, as is serious consideration of any resulting recommendations. Australia’s recently acquired seat on the Human Rights Council is a positive step, and this position should be used (amongst other obligations) to advance the rights and improve the conditions of indigenous peoples the world over. Australia being the fifth largest contributor to the UN Voluntary Trust Fund for Indigenous Populations is commended and encouraged to remain this way.
* Consult with international NGOs and civil society to advance the interest of indigenous peoples.

# Strong National Human Rights Institutions & Capacity Building

The UNAA notes that National Human Rights Institutions (NHRIs) reflect the State’s constitution, local laws and judicial and administrative system. They are the cornerstones of national human rights systems, and a main vehicle for promoting and protecting human rights[[43]](#footnote-44). NHRIs protect and promote human rights on a national level, and bridge civil society organizations and States on an international level. [[44]](#footnote-45) NHRIs must comply with 7 key minimum criteria under the Paris Principles to receive UN accreditation, allowing them to make government recommendations or proposals on human rights aspects of legislation, report on human rights violations; and receive, investigate and report on complaints from individuals.[[45]](#footnote-46) Established and accredited NHRIs, while essential to capacity building, require capacity assessments to be undertaken by the State to ensure their effective functioning. Australia’s NHRI, the Australian Human Rights Commission (AHRC), is one of the three present in the Pacific alongside Fiji and New Zealand.

The UNAA believes that:

* NHRIs are not inconsistent, incompatible or made redundant by other national human rights mechanisms, which generally have more restricted mandates than NHRIs.
* NHRIs provide immense value to the judicial arms of the government, as they develop expertise in international human rights law, and have access to a wealth of research available to national courts.
* A substantial obstacle in the development of human rights in the Pacific is the lack of understanding of human rights principles and their relevance. This is already a problem facing the constitutionally enshrined rights in Pacific States.
* NHRIs possess an important role in upholding and reinforcing key principles essential to good governance and human rights protections, must remain independent and effective to successfully perform this role.[[46]](#footnote-47)
* A strong need exists for the UN and ECOSOC to grant greater recognition to the unique status of NHRIs and involve them more meaningfully in the human rights work undertaken by the UN.
* States should also support and encourage the development and strengthening of NHRI capacities through reviewing and identifying capacity issues to safeguard the independence of NHRIs.[[47]](#footnote-48)

The UNAA urges the Australian Government to address the following four critical issues with regards to the capacity building of NHRIs globally, regionally and domestically:

* To support and develop greater initiatives to strengthen the role of national institutions in UN human rights mechanisms by pushing for a treaty body reform.
* To support the execution of timely and frequent capacity assessments of the Council, in its satisfaction of the Paris Principles.
* To continue and strengthen its leadership in the Pacific through the Asia Pacific Forum of Human Rights Institutions (APFHRI), in developing and strengthening the capacity of other NHRIs. This may be achieved primarily by continuing to seek the AHRC’s input and contributions to the development of its State reports to treaty bodies.
* To further share Australia’s experience in developing skills and jurisprudence with new NHRIs in the region through the APFHRI, while encouraging the adoption of strong NHRIs, especially to assist with governmental considerations of alleged breaches of human rights within domestic jurisdictions.

The UNAA welcomes opportunities to work with the Australian Government in addressing capacity building of NHRIs globally, regionally and domestically.

# Abolition of the Death Penalty

Australia supports the universal abolition of the death penalty and is committed to pursuing this goal through all avenues open to it. As such it has developed a detailed strategy which includes its input on this matter to the UN as follows: -

*“Every second year, a resolution at the UN General Assembly calls for a global moratorium on the death penalty. Australia co-sponsors this resolution. In 2016, we joined the Inter-Regional Taskforce on the resolution, which initiates and negotiates the text. Australia undertakes lobbying in support of the resolution, particularly in the Indo-Pacific region, to secure strong and clear text and increased support for each successive resolution.*

*In alternate years to the General Assembly resolution, the Human Rights Council considers a resolution on the question of the death penalty. Australia co-sponsors this resolution.”[[48]](#footnote-49)*

The UNAA strongly supports the full implementation of this Strategy.

# Freedom of Religion

The UNAA notes that the number of international migrants is ballooning, with an increase of 85m globally from 2000 to 2017. This is likely to alter the demographic and religious makeup of societies, with multiple resultant challenges in guaranteeing the right to freedom of religion or belief. Although international human rights treaties are reticent on the relationship States should adopt with religion or belief, they obligate States to guarantee that all individuals and groups within their territory may enjoy the freedom of religion or belief. Today, the greatest challenge in a commitment to the protection of this right involves balancing the protection of this right with other potentially conflictual rights, namely the right to gender equality or sexual orientation and the attendant politicization of the issue. Governments are therefore obligated to carefully analyse each individual conflict, to ensure reasonable accommodation ensuring the protection of all rights pursuant to article 18(3) of the ICCPR. Australia is likely to also face such challenges, with net migration having risen by almost one million from 2013 to 2017, and 7.03 million migrants constituting 28.8% of the total population in 2017.

The UNAA believes that:

* All governments risk applying an unlawful restriction or inappropriate interference with the manifestations of religion. As a secular state with an entrenched constitutional protection of the right to freedom of religion or belief, the Australian government still risks failure to provide substantive and formal equality when protecting the right to religion or belief, especially for members of religious minorities.
* An effective guarantee of this right is not achieved through a narrow governmental focus on individualistic dimensions of the freedom, but a broader, holistic of broader group and societal aspects of religious life.
* Australia should build a societal respect for the freedom of religion by increasing the tolerance and respect for diversity and promote such an approach in the Human Rights Council.
* An equal treatment of religious or belief groups is not synonymous with identical treatment, and Australia should encourage states to undertake positive, long-term measures to ensure the permanent enjoyment of religious minorities of religious freedoms and right, equal to members of the majority religion.
* Australia should adopt sensitivity to the potential for “difference-blind policies” to create a hierarchy of rights imposing burdens on religious groups.

The UNAA urges the Australian Government to address the following nine critical issues in protecting the freedom of religion or belief as domestic action as well as direction to the HRC:

* To immediately adopt policy measures addressing and removing both conditions and attitudes which contribute to or exacerbate all forms of religious discrimination.
* To strictly refrain from politicising privileged legal statuses for religious or belief groups under identity politics to avoid detrimental effects on minority communities.
* To extend protections to all refugees and migrants regardless of religious beliefs held.
* To establish policies clearly signalling societal inclusion of religious minorities, through public symbolic actions such as increased participation of political representatives in religious ceremonies held by minority groups.
* To continue and strengthen the employment of ‘respectful distancing’ and grounding its secularity even deeper in human rights.
* To continue its commitment towards creating inclusive spaces for promoting interfaith communication and religious literacy.
* To fully respect parents’ rights to provide religious education with their religious beliefs, in compliance with international standards and guides.
* To align Australia’s legal framework closer with international human rights law which enshrine the guarantee of freedom of religion of belief as a universal human right. [ensure that commitments towards protection are not narrower than those specified in art 18].
* To immediately reform discriminatory legislation adversely affecting religious minorities in matters such as inheritance and custody.

The UNAA welcomes opportunities to work with the Australian Government in addressing these initiatives and exploring innovative new approaches towards guaranteeing the freedom of religion or belief.

# Rights of LGBTI People

The UNAA notes that discrimination on grounds of sexual orientation and gender identity, expose LGBTI individuals to major infringements of their human rights. In particular 77 countries have discriminatory laws which criminalise private, consensual same-sex relationships with the death penalty being applied in at least 4 countries.[[49]](#footnote-50). These matters have been raised repeatedly in the UN over the last few decades with mixed success in achieving the global recognition and implementation of the rights of LGBTI people. Successes are however evident in that many States have strengthened human rights protection for LGBTI people, including laws banning discrimination, penalizing homophobic and transphobic hate crimes, granting recognition of same-sex relationships, and making it easier for transgender individuals to obtain official documents that reflect their preferred gender. The gap is however still significant and in spite of repeated calls from the general assembly for an end to the killings of persons because of their sexual orientation or gender identity through its resolutions on extrajudicial, summary or arbitrary executions, the practice still continues in many countries.

The UNAA believes that: -

* The Universal Declaration of Human Rights is very clear in stating that all people, irrespective of sex, sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.
* Australia’s track record in support of this position is well established with some notable success in the Mekong countries[[50]](#footnote-51).

Australia is well positioned to continue to urge progress in achieving universal human rights for all LGBTI people.

# Rights of People with Disabilities

The UNAA notes that, while great strides have been made in recent decades to alleviate the living conditions of the disabled, some 10% of the world’s population, approximately 650 million people, live with a disability thereby making them the world’s largest minority group. Of these 650 million people, 80% live in developing countries. In totality over 20% of people living in the poorest nations of Earth are affected by some kind of disability. Of particular concern is the fact that persons with disabilities are more likely to be victims of violence or rape, and are less likely to obtain police intervention, legal protection or preventive care. This deplorable situation is especially true for disabled women and girls. Some 30% of youth have some kind of disability and in developing countries, 90% of children with disabilities do not attend school.

While Australia has taken steps to lessen the divide between the disabled and the non-disabled in the realm of employability, the fact remains that on average Australians with disabilities have both lower participation (53%) and higher unemployment rates (9.4%) than people without disabilities (83% and 4.9% respectively).

The UNAA believes that:

* To combat the inequalities that continue to persist for the disabled both in Australia and globally, the Federal Government must pursue closer ties with both United Nations Organizations and affiliated focus groups that seek to improve the quality of life for the disabled. Additionally, the Federal Government should work closely with both state and local governments to ease the bureaucratic burden and ensure services are delivered efficiently and promptly.
* The Federal Government should take steps to ensure that Australian policy on the rights of the disabled continue to mirror those laid out in the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. As a developed nation with a history of compassion and positivity towards the disabled, Australia has both the resources and the willingness to ensure Federal Policy aligns with the ideals of the United Nations.
* Education for those without disabilities is important in combatting discrimination against disabled persons. Educational courses on appropriate conduct with the disabled should be introduced both in schools and in the workplace to inform citizens of the correct manner of interaction with the disabled as well as raise awareness, consideration and respect for their situation.
* Increased funding towards state institutions such as the Department of Social Services would aid in closing the employment gap between the disabled and non-disabled as well as introduce training programs suited to tackling those with different disabilities, thereby giving them further opportunity to maximize their potential as equal citizens of Australia. Furthermore, increased funding ensures fair access to basic societal services such as healthcare, education, transport, housing and public facilities. Parity with the non-disabled segment of the population is the eventual goal.

The UNAA urges the Australian Government to address the following five critical issues in building a sustainable and comprehensive protection framework globally, regionally and domestically:

* To continue supporting the extensive network of government services that provide crucial care and opportunity for disabled persons.
* To continue to raise awareness and support from the Australian community on the challenges that face disabled persons and the possible solutions that can be implemented by regular citizens.
* To ensure continued cooperation with UN organizations that provide global support frameworks for disabled persons internationally. One way of demonstrating Australia’s continued commitment to alleviating the condition of disabled persons not only in Australia but worldwide is active participation in awareness groups such as UN Enable as well as increased Australian representation at annual events discussing the state of the disabled internationally and possible solutions to these problems such as The International Day of Persons with Disabilities (IDPD) which continues to be held on the 3rd of December.
* To ensure that Australia not only maintains the programs that give disabled persons opportunities for employment among other things but to expand these programs and services by allocating further Federal funding to them.
* Continued funding for organizations that collect data and keep extensive records of the disabled and population such as the Australian Network on Disability so that the information gained in combatting problems associated with the disabled is kept in the public record.

# Rights of Young People

The UNAA notes that the foundational international agreement for the recognition of the rights of children and young people is the Convention on the Rights of the Child (CRC). The CRC has been widely ratified with 196 parties including Australia, but its implementation by Member States varies significantly. The CRC remains the key articulation of the human rights of young people and provides a backdrop to the SDGs.

Youth play a crucial role in achieving the SDGs as both contributors and beneficiaries. This role is recognised in the preamble to the 2030 Agenda for Sustainable Development and the various references to youth throughout the targets for each of the SDGs. Young people are also explicitly referenced in the context of youth employment (Goal 8), adolescent girls (Goal 5) and education (Goal 4).

Globally, there has already been progress in some areas of the SDGs that particularly affect young people. The participation rate in early childhood and primary education has increased to 70% in 2016 from 63% in 2010. There have also been improvements in the rate of birth registrations with 73% of children under the age of 5 years registered globally, although this figure is significantly lower for sub-Saharan Africa with only 46% of births registered.

Major challenges and desired outcomes

There are, however, concerning trends in relation to world hunger and poverty (Goal 2). In 2017, 151 million children under age 5 suffered from stunting (low height for their age), 51 million suffered from wasting (low weight for height), and 38 million were overweight. This is despite a previous decline in global world hunger.

Youth unemployment remains a significant issue with youth three times more likely to be unemployed than adults. The global youth unemployment rate was 13% in 2017. More is required to generate employment opportunities for young people, including through increased support for youth entrepreneurship. There has also been uneven progress in relation to education with less than half of all children and adolescents able to meet minimum standards in reading and mathematics.

Recommendations for the UN

The United Nations should institutionalise the formal inclusion of young people in negotiations and UN processes, including forums tracking developments in the achievement of the SDGs. Youth participation should be based on the principles of inclusion and integrity, and ensure that young people have a meaningful opportunity to provide input into resolutions and policies. Consideration should also be given to encouraging Member States to appoint Youth Representatives for each of the SDGs to formally engage with the UN system. Whilst this may be considered to be too radical an approach, an alternative could be for the question of youth ‘issues’ to be given greater focus in UN human rights processes, providing platforms to hear the voice of youth more centrally at policy development rather than procedural/agenda levels.

To ensure that young people are aware of their rights, the United Nations should invest adequate resources in educational activities that aim to promote the important role of young people in achieving the SDGs. There should be opportunities for young people to deliver training and awareness activities directly to their peers to facilitate peer-to-peer learning.

Recommendations for Member States

The achievement of the SDGs requires strong participation from young people. Member States should continue to create opportunities to meaningfully engage with youth, including through the development of policies and programs to achieve the SDGs. This includes engaging with marginalized groups of young people. Consideration should also be given to formal methods of youth representation in business, government and international forums including the United Nations.

Member States should mainstream consideration of youth issues across the SDGs and invest adequate resources in developing evidence-based policies and programs that support young people to achieve their full potential. In particular, further resources are required to combat youth unemployment and provide training opportunities for young people to develop the skills they require to join the workforce. As a precursor to employment, Member States should ensure that all young people have basic education and invest in formal and informal educational programs. Consideration could also be given to appointing Ministers or Commissioners for Youth to ensure a consistent whole-of-government approach to youth issues.

Australian experience has underlined the importance of developing the concept of global citizenship through training, education and leadership interventions amongst the youth - particularly through school programs. Member states are encouraged to adopt this as a strategic priority in underpinning the future of democracy, the observance of human rights and adherence to the rule of law.

A particular focus should be considered for youth who are carers - particularly of their parents or siblings - or who live in areas with high levels of societal disharmony and poverty. Assistance should be provided to ensure that no child is unable to participate in school activities because of poverty or carer responsibilities in the home.

# Rights of Refugees & Asylum Seekers[[51]](#footnote-52)

Note: This section is a reproduction of the UNAA Position Paper on Refugees and Asylum seekers.

The UNAA notes that the world is experiencing unprecedented numbers of refugees and internally displaced persons (IDPs) - an estimated 65.6m as at 30 June 2017 (around 22.5m refugees and 43.1m other IDPs). Resolving this global problem is a high priority. Apart from the very real humanitarian necessity to do so, mass displacement affects national and international security and erodes economic growth and prosperity. This significant challenge requires Australia to be both pragmatic and compassionate in its national planning and responses, and to contribute purposefully to regional and global solutions. The greatest burden of accommodating refugees and asylum seekers falls on developing countries that are compelled to provide sanctuary for those fleeing conflict and/or persecution. Very few displaced persons seek refuge in Australia. Traditionally, Australia has been generous in its acceptance of migrants, and has a proud history of their successful integration. Australia has also been generous in its acceptance of refugees and asylum seekers, most of whom have contributed positively to our nation’s economic development and enriched our multicultural identity.

All governments have the right to determine who enters their country within the context of their national immigration framework. Australia needs to have effective border security policies and measures in place, and the Government needs to take all reasonable measures to prevent people smuggling and illegal trafficking of people. Australia needs to be alert to the threats of international terrorism and transnational crime, and the Government needs to minimise threats to national security or public order.

The UNAA believes that:

* Effective resolution of the challenges of refugees and asylum seekers will require global perspectives, regional solutions, and local Australian political action
* Australia should contribute purposefully to the UN's Global Compact on Refugees. This Compact is required to transform the way the international community prevents and responds to refugee crises. As a major refugee re-settlement country, Australia can and should make a positive contribution to the Global Compact.
* Australia should take a leading role in developing regional solutions to displacement that are supportive of the rules-based international order and prevention of people trafficking. Current policies and measures to prevent refugees and asylum seekers from coming to Australia need to be reviewed. Australia's current policy only shifts the problem to other countries.
* Australia’s reputation as a welcoming host country and as a responsible global citizen is diminished by our current treatment of asylum seekers and refugees arriving spontaneously, as evidenced by arguments from within the Australian community and from the UNHCR. There are alternatives
* Australia’s current detention of refugees and asylum seekers compromises Australia's ability to effectively pursue broader regional and global aims in stabilising and supporting people displaced by conflict and civil unrest.
* Processing arrivals offshore is not cost-effective. Between 2012 and 2016 the cost to Australia was an estimated $9.6b. Though costs have reduced as arrivals have decreased, the estimated cost of offshore processing for 2017/18 was $714m.
* Effective resolution of the challenges of refugees and asylum seekers requires the Australian Government to fully commit to the principle of international responsibility sharing, and fully abide by Australia’s international legal responsibilities. This includes the proper care and protection of spontaneously arriving refugees and asylum seekers in Australia.
* The UNHCR is currently inadequately resourced to deal with the massive caseloads of refugees and asylum seekers worldwide.

The UNAA urges the Australian Government to address the following eight critical issues in building a sustainable and comprehensive protection framework globally, regionally and domestically:

* To continue to play a positive role in seeking to address the current global crises regarding refugees and asylum seekers.
* To fully consult with the Australian community as it continues to develop its position on the Global Compact for Refugees, currently being developed by UN member states.
* In consultation with civil society and relevant UN agencies, to continue to forge a strategic dialogue with countries in our region through the Bali Process and initiatives such as the Asia Dialogue on Forced Migration in developing feasible regional responses to refugee and asylum seeker problems. These should address respective responsibilities for transit hosting, processing and accepting of refugees and asylum seekers who enter the region.
* To review the alignment of asylum seeker policies with other foreign policy objectives, and to continue Australia’s commitment to a generous and expanded resettlement program for refugees and asylum seekers.
* To ensure that Australia maintains robust immigration and border protection mechanisms to prevent the efforts of people traffickers, but treat all refugees and asylum seekers equitably and in accordance with international refugee law and human rights law – thereby reinforcing Australia's steadfast commitment to strengthening the rules-based international order.
* To review the refugee protection legislative framework in Australia with a view to reinstating the 1951 Convention relating to the Status of Refugees as an important reference point for status determination arrangements, thereby ensuring that the Convention once again serves the purpose intended through Australia’s accession to that instrument.
* To immediately close the offshore processing centres on Nauru and Manus Island, Papua New Guinea, ensuring at least temporary protection in Australia of those individuals who cannot yet be repatriated safely or resettled to another country. The UNAA believes this is possible without compromising Australia's strong border protection framework.
* To facilitate and support the work of the UNHCR and promote research and educational projects in Australia on international refugee and statelessness issues.

The UNAA welcomes opportunities to work with the Australian Government in addressing these

eight initiatives and exploring innovative new approaches to build a sustainable and humane

global architecture in supporting displaced people.

# Modern Slavery

Modern slavery is receiving increasing attention globally. Whilst there are various definitions available the Australian parliament’s joint standing committee on foreign affairs and trade has recommended the following: - [[52]](#footnote-53)

“The Committee recommends that the Australian Government define modern slavery in the proposed Modern Slavery Act as a non-legal umbrella term, to include but not be limited to:

* modern slavery crimes outlined in Division 270 and 271 of the Criminal Code Act 1995 (including slavery, servitude, forced labour, trafficking in persons, forced marriage, child trafficking, debt bondage and other slavery-like practices);
* child labour and the worst forms of child labour, consistent with UNICEF’s definition of child labour and the International Labour Organisation’s Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182);
* child exploitation including in residential institutions and through orphanage trafficking; and
* other slavery-like practices.”

Whilst data is not readily available, the annually produced Global Slavery Index indicates[[53]](#footnote-54) some 43 million people are in slavery today - - 71% of them being women. Add to this estimates of child Labour of in excess of 150 million children and it is clear that modern slavery is a critical human rights issue which requires attention globally.

Australia is also not immune to modern slavery, with the joint standing committee reporting that

forced marriage is the highest risk area in Australia, followed by sexual exploitation and labour exploitation. The full extent of modern slavery is however unclear in Australia and it has been recommended a research and monitoring program be developed to better understand the prevalence of modern slavery in Australia.

The UNAA urges the Australian Government to address the following eight critical issues in building a sustainable and comprehensive protection framework globally, regionally and domestically[[54]](#footnote-55),[[55]](#footnote-56)

* Urgently finalise and expedite the implementation of the Australian legislative and regulatory framework to address modern day slavery, including implementation of the Modern Slavery Act recently passed by Parliament. In particular measures to actively prevent and penalise slavery directly or indirectly in the public and private sector supply chains need to be put in place.
* Ensure that dedicated legislation to ensure the implementation of international standards is backed up with robust national action plans to achieve effective implementation that brings together the role of law enforcement agencies, prosecutors, the judiciary, as well as state services that can support rehabilitation, reintegration of victims and adequate reparations for their human rights violations.
* Partner with bodies such as the Walk Free Foundation Stop the Traffik, the Freedom Partnership, the Freedom Hub and and Alliance 8.7, a multi-stakeholder partnership offering a way for countries, civil society, regional organizations and business to partner in achieving target 8.7 of the SDGs, which calls for the eradication of child labour, forced labour, modern slavery and human trafficking.
* Highlight in the UNHRC the ways in which slavery, forced labour and trafficking all intersect in conflict, and the need for a coherent global, multi-faceted response with strong leadership within the UN to address this issue.
* Support the strengthening of the normative framework for ending slavery, forced labour and human trafficking including through promoting increased ratifications of international human rights norms and standards, including the ILO’s Forced Labour Protocol No. 29.
* Support the strengthening of humanitarian responses to modern day slavery as well as applying financial and economic measures to stem the transnational corruption and crime that fuels conflict and slavery.
* Support the national and international criminal justice systems to bring criminals to account, including for enslavement that constitutes crimes against humanity and war crimes.
* Consider the provision of funding for the UN Voluntary Trust Fund on contemporary forms of slavery, which is prioritizing projects that provide specialized assistance to women and children subjected to slavery in conflict and humanitarian crises.

# Australian Domestic Human Rights Issues

# Australian Human Right’s Commitments, Policy & Institutions

Good governance and strong human rights institutions are amongst the main pillars of the Australian government’s commitment to assume and fulfil a meaningful seat on the UN Human Rights Council. Good governance, the rule of law and strong transparent institutions are the foundations for a society that promotes and protects human rights. Through the tools and scope offered by the UN Human Rights Council and within Australia’s own domestic institutions, the Australian Government should demonstrate a leadership role towards strengthening human rights policy both in Australia and in the Indo-Pacific region.

The UNAA believes that: -

* Australia should put emphasis on freedom of expression both domestically and internationally, including promoting the safety of journalists, human rights defenders and civil society institutions. Australia is one of few countries on the UN Human Rights Council that protects its fourth estate.
* The Australian Government should increase transparency by building stronger national human rights institutions that have an independent judiciary, prosecutors, and defence lawyers. Australia must encourage states to take steps in advancing stronger national institutions through developing constitutionalism. Convincing states to comply with the minimum criteria in the Paris Principles for National Human Rights Institutions would be a first step.
* Australia’s human rights institutions must continue to protect the rights of minorities. In particular, Australia should play an active role in advancing the human rights of indigenous peoples. Australia should ratify the International Labour Organisation Indigenous and Tribal Peoples Convention of 1989 (No. 169) to strengthen its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples in 2009.
* Parliamentary institutions play an important role in human rights implementation and oversight. The adoption of the Human Rights (Parliamentary Scrutiny) Act 2011, requiring a statement of compatibility with human rights for all bills and disallowable legislative instruments, and establishing the Parliamentary Joint Committee on Human Rights, are positive measures adopted by Australia. Providing examination on the core human rights treaties to which Australia is a party and scrutiny of federal legislation for compatibility with human rights, are core functions that the government should reinforce. It is concerning that bills are sometimes passed into law before the conclusion of review by the Parliamentary Joint Committee. The legislative scrutiny processes should be strengthened through a meaningful and well-informed review, including quality reports on compatibility and careful consideration of the guidelines issued by the Attorney-General and the Parliamentary Joint Committee.
* In 1994 Australia was the first nation in the world to provide a National Action Plan on Human Rights. This initiative should be strengthened through developing clarity on the status of Australia’s Human Rights Action Plan in order to harmonise the work of the Australian Government and its institutions in advancing Australia’s human rights commitments. The Action Plan must complement the Department of Foreign Affairs and Trade Human Rights manual for consistency across Australia’s domestic and international human rights policies. The Australian Human Rights Commission, as special legislative machinery, must be empowered to improve both the promotion and protection of human rights in Australia, but also to systematically consider Australia’s strengths and address Australia’s shortcomings in human rights observance. The Action Plan and the work of the Commission can serve as points of collaborations amongst countries in the region.

# Indigenous Australians

Indigenous Australians have inhabited the continent for more than 50,000 years before European settlement in 1788, at which time it is believed that over 750,000 people lived in Australia. From the time of colonisation, Indigenous Australians experienced extreme hardships, including: forced removal from traditional lands; murder, rape and enslavement; compulsory placement in mission stations for assimilation; forced removal and placement of children into institutional care or fostering with non-Indigenous families (referred to now as the “Stolen Generations”); as well as being constitutionally disallowed from population counts until 1967. Today, Indigenous Australians make up approximately 3% of Australia’s population (or 670,000 individuals), and after years of dispossession, discrimination and intergenerational trauma, face lingering social and economic marginalisation.

Although Indigenous peoples are mentioned specifically under only two of the UN Sustainable Development Goals (SDGs) — *Zero Hunger* and *Quality Education —* many of the SDGs and associated targets are directly relevant. These include *No Poverty*; *Good Health and Well-being*; *Reduced Inequalities*; and *Peace, Justice and Strong Institutions*.

The UNAA recommends : -

* *Greater emphasis be placed on ‘Closing the Gap’*

The Australian government should work towards rectifying the gap between Indigenous and non-Indigenous Australians by acting in accordance with the principles outlined in *The Universal Declaration of Human Rights* and *The Declaration on the Rights of Indigenous Peoples*. Introduced a decade ago, the *Closing the Gap Strategy* presented seven targets to close or reduce the gap in life expectancy, child mortality, education and employment. According to the most recent *Prime Minister’s Report*, only three of the seven targets are on track to be met — to halve the gap in child mortality by 2018, to enrol 95% of all Indigenous four-year-olds enrolled in early childhood education by 2025, and to halve the gap in Year 12 attainment by 2020. This is an improvement on the previous year’s report, where only one target was on track; however, further work is required. The UNAA echoes the findings within the most recent *Report of the UN Special Rapporteur on the rights of Indigenous peoples on her visit to Australia*, and urges the Australian government — by doing things *with* rather than *to* Indigenous people — to address the following issues to help further bridge the divide:

* *Constitutional Modification, Truth Commission & Treaty*

The government should respect the “Uluru Statement of the Heart” and adopt the recommendations by the Referendum Council to establish a “First Nations Voice” enshrined in the Constitution. A “*makarrata*” commission is recommended to supervise an agreement between governments and First Nations that would include truth-telling about their history, alongside the development of a process to work towards a treaty.

* *Health & Health Services*

In 2015, almost 45% of Indigenous peoples claimed to have a disability or long-term health condition, many of which stem from mental health issues. Compared to their non-Indigenous counterparts, Indigenous people suicide twice as often, and die 10 years younger on average. It is recommended that Indigenous mental health and well-being programs are properly resourced, and intergenerational trauma is comprehensively addressed; youth-led suicide prevention programs should be promoted; and professional development and research in the area of Indigenous people in the health workforce be furthered.

* *Education*

In the areas of school attendance, year 12 attainment, and literacy and numeracy, Indigenous people lag behind. It is recommended that engagement with families and community, rather than punishment, be used to increase school attendance. Financial penalties can further disadvantage children already in poverty. A review of the mainstream education system should be conducted, with an aim to include significant components of Indigenous history and the impact of colonisation.

* *Employment & Housing*

Indigenous Australians currently do not enjoy equal opportunities of employment. Housing is in short supply in many Indigenous communities, often leading to high levels of homelessness or overcrowding in poorly kept properties due to low income. It is recommended that consultations with Indigenous communities be undertaken to reconstruct unemployment schemes, to develop strategies to increase and improve housing availability, and to provide support to remain on their land.

* *Incarceration & Deaths in Custody*

Although comprising only 3% of the total population, Indigenous Australians make up 27% of the prison population. Over 50% of children in detention are Indigenous, they are 27 times more likely to be detained than non-Indigenous children, and are regularly abused. Since the end of the 1991 *Royal Commission into Aboriginal Deaths in Custody*, there have been over 400 Indigenous deaths in custody, many of which were avoidable. It is recommended that rehabilitation and reintegration act as guiding principles of the criminal justice system, as opposed to detention and punishment. Discriminatory practices such as paperless arrests and mandatory sentencing laws should be abolished, while fine default legislation should be reviewed. It is pleasing that the *Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* has been ratified by Australia, and it is now strongly urged that an independent watchdog be established to monitor places of detention, as per the obligations of the treaty. This area should be addressed as a national priority.

* *Removal of Children*

Since the 1997 report *Bringing Them Home*, Indigenous children in out-of-home care have risen from 20% to 36% in 2016. Community-led early intervention programs should be supported to invest in families rather than punitive measures.

* *Land Rights & Native Title*

Land rights and native title hold cultural and economic significance to Indigenous peoples. It is recommended that programs are supported wherein traditional owners can enjoy customary practices, helping to provide conservation as well as employment opportunities. Overlapping legal regimes within the system must be reviewed; more Indigenous legal professions should be trained to provide a more informed voice when it comes to land rights claims; and protected areas should be extended when requested by Indigenous peoples.

* *Systemic/Institutional Racism*

In many cases, inequalities stem from negative public perceptions of Indigenous peoples. A report released by the Australian Human Rights Commission in 2015 found that Indigenous Australians are regularly subject to systemic or institutional racism. Action must be taken from the highest levels of government to set the standard by righting the wrongs of the past and making it abundantly clear that Indigenous Australians are equal in every aspect. The 2008 Apology was a good start, but more must be done, such as discussions surrounding a more suitable date on which to celebrate Australia Day. Indigenous arts initiatives should continue to be supported to help increase appreciation of the history and culture of the world’s oldest surviving civilisation — something all Australians should be proud of.

# Gender Equality

Australia has made progress towards addressing gender equality in recent years. For example, the *Sex Discrimination Act 1984* (Act) is one-way domestic legislation has given effect to our international obligations to human rights. The Act protects both men and women from discrimination based on gender, sexual orientation, their relationship status among other things. However, despite the advancements made in recent decades, gender equality has not yet been achieved in Australia. Australia’s overall ranking in relation to gender equality has dramatically declined from being ranked 15th in the world in 2006 to being ranked 35th in the world in 2017.[[56]](#footnote-57) The *Beijing Declaration and Platform for Action* produced in September 1995 is an historic example of a progressive advancement of women’s rights and a similar approach should be adopted in Australia to ensure that adequate detail is provided for in our endeavour to achieve Goal 5.

The UNAA takes a three-pronged approach to improving gender equality domestically and advocate for: ending violence against women and girls; women’s economic empowerment; and enhancing women’s voices in decision making, leadership and peace-building.

*Ending violence against women and girls*

Violence can be experienced by people in a wide range of groups regardless of their age, sex or socioeconomic factors. In Australia, women are more likely to experience physical and / or sexual violence and are at greater risk of domestic violence. According to a report from the Australian Institute of Health and Welfare, intimate partner violence is the greatest health risk factor for women aged between 25 and 44.[[57]](#footnote-58) Women suffering from family violence may also experience adverse effects on their financial resources which impacts their ability to be seek financial security for themselves and any dependents they may have.

It should further be noted that familial domestic violence needs to be recognized as abuse of all family members. The effect of children witnessing domestic violence can and does result in PTSD for a lifetime. As such domestic violence and its treatment requires a holistic national, state, local government and community response.

The UNAA makes the following recommendations to address this issue:

* Develop educational programs to improve the financial literacy of women and girls;
* Provide specialist counselling to female victims of violence that also advise women on family law and financial law relevant to their situation. This counselling should be extended to family members, especially children, exposed to such violence;
* Advocate national support for the Safe at Home program;
* Establish safe rooms in court to ensure the victim is not obligated to be in the same room as the perpetrator; and,
* Systemic targeting of the behaviour and social norms exhibited by men through targeted social programmes similar in extent and impact to drinking and driving programmes.

*Women’s economic empowerment*

Despite making up over half of the population in Australia, the national gender pay gap shows that the average full-time weekly wage for a woman is 15.3% less than a man in an equivalent position.[[58]](#footnote-59) Women are still reaching retirement with over $100k less superannuation than the average male and are far more likely to experience poverty in retirement and be reliant on the pension.

At present, the workforce is very much segregated by gender and industries with higher numbers of female workers are often undervalued, for example, child and aged care and health and community services. However, there is a genuine opportunity to advance the economic participation of women and encourage women to be politically empowered.

The UNAA makes the following recommendations to address this issue:

* Conduct an analysis of the gender pay gap at federal and state level and set workforce gender balance targets and, if necessary, quotas, in all industries;
* Parental leave is supported by superannuation payments that are available to all parents regardless of gender;
* Design training programs for people in senior leadership positions in various industries to ensure there is an accurate understanding of actions that can be taken in the workplace to reduce gender inequity; and
* Release a nationwide media campaign that depicts parental leave and flexible work arrangements as a consideration for all parents regardless of gender.

*Enhancing women’s voices in decision making, leadership and peace building*

Although progress has been made in certain areas, for example, seeing an increase in the number of women on Boards of ASX-listed companies from 8.3 per cent in 2009 to 26.2 per cent in 2017, Australia currently ranks 42 in the world for Economic Participation and Opportunity and 48 for Political Empowerment of women.[[59]](#footnote-60)

By not including women and girls in the decision-making process, the community loses an opportunity to gain perspectives that are essential to combating global challenges and Australian industries miss out on the wealth of benefits that women bring. A 2016 report from Deloitte found that there was a direct correlation between an increase in women in corporate leadership positions and significantly increased financial returns for the relevant organisation.[[60]](#footnote-61)

The UNAA makes the following recommendations to address this issue:

* Invest in developing the leadership capabilities of indigenous and culturally diverse women on a multi-tiered level;
* Facilitate opportunities for women and girls to participate in positions of leadership at state, federal and international platforms;
* Foster understanding of the importance of women in leadership positions in government roles; and
* Promote a change in the infrastructure of organizations to support women in positions of leadership.

# Australia and Its Commitments to Human Rights in the UN

Further to recommendations made by the UNAA, the UNAA welcomes the opportunity to work with the Australian Government on an action plan to demonstrate and reaffirm Australia’s respect for the processes and monitoring mechanisms of the UN by:

* *Continuing to provide financial support to the Office of the High Commissioner for Human Rights:* Funding human rights activities of the OHCHR, UNICEF and other UN agencies is critical to Australia’s commitment to strengthening human rights institutions. This would actively demonstrate Australia’s partnership in encouraging the independence of the OHCHR and its standard-setting work to promote human rights and address crises.
* *Supporting constructive efforts to improve the work of the UN Human Rights Council*, including ensuring adequate opportunities for the participation of National Human Rights Institutions and Civil Society: These efforts must lead to practical initiatives to promote human rights, through a dedicated Human Rights Fund, bilateral and regional activities, and dialogues and exchanges with individual countries in Australia’s region.
* *Committing to upholding the principles enshrined in the human rights treaties to which Australia is party:*The Australia Government, in close collaboration with Civil Society organisations and National Human Rights Institutions, must maintain relentless efforts and principled advocacy of landmark human rights treaties signed by Australia, through universal adherence and implementation.
* *Responding constructively and in good faith to the concluding observations, recommendations and views of treaty monitoring bodies and the recommendations of special rapporteurs*:The Australian Government should have processes in place for dissemination and follow up of recommendations. This must be realised with a view to raising awareness and implementing action among the judicial, legislative and administrative authorities, civil society and non-governmental organisations and the general public. They serve as fundamental principles towards Australia’s human rights commitment.
* *Nominating independent experts for election to the human rights treaty bodies:*The Australian Government must take a leadership role to ensure the Human Rights Council Advisory Committee is equipped to its best abilities to assist with the work of the UN Human Rights Council, particularly in suggesting human rights issues to examine, and in undertaking studies on these issues.
* *A commitment to transparency by making Australia’s pledge public, for the information of Australian civil society and for the information of all Member States*: The Australian Government must show exemplary behaviour as a nation that accepts, respects and celebrates its cultural and religious diversity through open dialogue on improving economic, social and cultural rights, on advancing the welfare of Indigenous communities at home and abroad, and on women’s empowerment.

# Conclusions

As a democratic nation with a strong rule of law and a firm belief in cosmopolitan values of human rights, Australia already has a proud history of respect for human rights which has been enshrined in our constitution, legislation, common law, institutions, and attitudes. Australia has also consistently participated in civil society as a good international citizen since the inception of the United Nations as a founding member, having assisted with the drafting of the Universal Convention on Human Rights, ratified several major international conventions, and having served on both the United Nations Security Council and the United Nations Human Rights Council.

As such, Australia can continue to play an invaluable role in the pursuit of human rights and global peace by utilising its institutional knowledge and expertise on the matter. Australia should play a more active role in the Indo-Pacific by encouraging neighbour states to cooperate more closely with international civil society and promote human rights, by both leading by example and by utilising bilateral/multilateral diplomacy. Additionally, as peace and security issues have become intrinsically linked with human security issues, Australia should further assist its neighbour states by ensuring they have strong institutions of good-governance and rule of law, in order to protect the rights of their civilians and prevent the outbreak of conflict. Australia should make the most of its current seat on the United Nations Human Rights Council to achieve these ends and have a meaningful tenure on the esteemed body.

In order to credibly support the capacity building of neighbour states, Australia must also continue its commitments to human rights domestically by reforming and enhancing institutions, attitudes and legislation in Australia. Changes in information technology, human migration trends, and societal attitudes over the past two decades have created a diverse range of new human rights developments within Australia’s borders. Australia should continue its support of human rights by continuing to collaborate closely with National Human Rights Institutions and civil society members.

# Further Reading

Submission to the Australian Government’s 2017 Foreign Policy Review

UNAA

Position Paper on Refugees & Asylum Seekers 2018

UNAA

Report of the Special Rapporteur on the Rights of Indigenous Peoples

UN Human Rights Council

Freedom from Discrimination: Report on the 40th Anniversary of the Racial Discrimination Act

Australian Human Rights Commission

Promoting Human Rights: Good Governance, the Rule of Law & Democracy

Australian Human Rights Commission

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