

Background

Conduct of the inquiry

- 1.1 On 28 February 2014, the Minister for Foreign Affairs wrote to the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) to refer the following matter for inquiry and report: 'the human rights issues confronting women and girls in the Indian Ocean-Asia Pacific region'. The Minister requested that the inquiry be conducted by the Human Rights Sub-Committee of the JSCFADT.
- 1.2 The terms of reference for the inquiry required the Sub-Committee to consider the following issues:
 - The barriers and impediments to enhancing the human rights of women and girls in the Indian Ocean-Asia Pacific region, especially regarding the impact of family and sexual violence, women's leadership and economic opportunities;
 - The achievements to date in advancing women and girl's human rights in these key areas;
 - The implications for economic and social development in the Indian Ocean-Asia Pacific region of promoting women and girls' human rights;
 - The effectiveness of Australian programs to support efforts to improve the human rights of women and girls in the Indian Ocean-Asia Pacific region.
- 1.3 On 5 March 2014, the Committee considered the Minister's letter, adopted the terms of reference in the form proposed by the Minister and resolved that the Human Rights Sub-Committee undertake the inquiry.
- 1.4 The Committee called for submissions with a closing date of 22 May 2014. Relevant stakeholders were contacted directly and notified of the inquiry. Governments of countries in the region were also contacted and invited to

make submissions. The closing date for submissions was subsequently extended to 17 June 2014 and then to 29 August 2014.

- 1.5 The Committee received more than 90 submissions and 26 supplementary submissions. Submissions are listed in Appendix A and documents received as exhibits during the inquiry are listed in Appendix B. Public hearings were held in Canberra, Melbourne and Sydney. Details of witnesses who gave evidence can be found in Appendix C. Copies of submissions and transcripts of public hearings are available on the inquiry's page on the website for the JSCFADT.¹
- 1.6 The majority of submissions were focussed on term of reference number one (barriers and impediments to enhancing the human rights of women and girls); with some also considering term of reference number three in detail (the economic impacts of promoting girls' and women's human rights).
- 1.7 Evidence on terms of reference two (the achievements to date in advancing women and girl's human rights) and four (the effectiveness of Australian programs to support efforts to improve the human rights of women and girls) was more limited. The Committee sought to rectify these gaps through seeking additional information and data from the Department of Foreign Affairs and Trade (DFAT).
- 1.8 Submissions were received from the following governments and their diplomatic representatives:
 - Islamic Republic of Afghanistan, Ministry of Foreign Affairs Minister's Office;
 - Socialist Republic of Vietnam;
 - Democratic Republic of Timor-Leste;
 - The High Commission of the Democratic Socialist Republic of Sri Lanka;
 - High Commission of the Republic of Mauritius; and
 - The Republic of Mauritius Minister of Foreign Affairs, Regional Integration and International Trade.

1 Available at <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Human_Rights> viewed 4 May 2015.

Background to the inquiry

The Indian Ocean–Asia Pacific region

1.9 The terms of reference required the Committee to report upon relevant issues within the ‘Indian Ocean–Asia Pacific region’. The same region was referred to as the ‘Indo-Pacific’ in some of the evidence. ‘Indo-Pacific’ has now become the predominantly used term within the Australian Government, including in the 2015–16 Federal Budget. For consistency, the term ‘Indo-Pacific’ will be used in this report.²

1.10 DFAT’s submission defined the region as follows:

The Indo-Pacific Region includes countries in the Pacific Islands, ASEAN [Association of South-East Asian Nations] and the Indian [Ocean] Rim Association [IORA]. Connecting the Indian and Pacific Oceans, the region it describes forms the centre of gravity of Australia’s strategic and economic interests. It includes many of our major trading partners as well as the countries that are the focus of our aid program.³

1.11 The Committee viewed the geographic scope of the region to broadly include:

- countries of Eastern, South and West Asia;
- all countries with a coastline fronting the Indian Ocean, which includes eastern Africa and some Persian Gulf countries;
- the Pacific Islands and New Zealand; and
- the United States (US) and Canada.

1.12 Russia, South America and Central America were excluded. Within the Indo-Pacific region, Australian development assistance is provided to various countries. The list of countries below is considered by OECD to be eligible for Official Development Assistance (ODA).

2 The Committee notes the comment by Dame Carol Kidu that ‘you should not call us the Asia-Pacific region; call us Asia and the Pacific, because we are so different. Geographically, the Asia-Pacific may be a region, but it is chalk and cheese when it comes to some of the basics. We like being called Asia and the Pacific.’ *Committee Hansard*, Canberra, 3 February 2015, p. 7.

3 Department of Foreign Affairs and Trade (DFAT), *Submission 27*, p. 9.

Table 1.1 Countries eligible for Australian ODA located within the Indo–Pacific region

Pacific	East Asia	South and West Asia	African East Coast
Cook Islands	Burma	Afghanistan	Somalia
Federated States of Micronesia	Cambodia	Bangladesh	Kenya
Fiji	Indonesia	Bhutan	Tanzania
Kiribati	Laos	Maldives	Mozambique
Nauru	Mongolia	Nepal	South Africa
Niue	Philippines	Pakistan	Madagascar
Papua New Guinea	Timor-Leste	Sri Lanka	Seychelles
Republic of Palau	Vietnam		Comoros
Republic of the Marshall Islands			Mauritius
Samoa			
Solomon Islands			
Tokelau			
Tonga			
Tuvalu			
Vanuatu			

Source Department of Foreign Affairs and Trade —correspondence.

1.13 The Indo–Pacific region is diverse culturally, linguistically, and in terms of human rights outcomes for women and girls. During the inquiry, witnesses were hesitant to make general characterisations about the region. Indeed, many witnesses talked about the need to ensure solutions were appropriate to the different contexts in the region. For instance, the Australian Council for International Development (ACFID) submitted:

The Indian Ocean–Asia Pacific region covers a highly diverse range of countries and cultures, and the context for women varies accordingly. Programs that are designed to enhance human rights and gender equality may not be easily replicable between countries. They must be responsive and adaptable to the widely diverse contexts and support any pre-existing frameworks and plans in place to address gender inequalities.⁴

1.14 Great diversity is also evident within many countries in the region. For instance, the Committee was reminded that Papua New Guinea (PNG) consists of more than 800 language and tribal groups. Additionally, rapid urban development in the capital, Port Moresby, has created a notable distinction between urban and rural settings in PNG.⁵

4 Australian Council for International Development (ACFID), *Submission 25*, pp. 5–6.

5 Dame Carol Kidu and Professor Betty Lovai, Private capacity, *Committee Hansard*, 3 February 2015, p. 2.

- 1.15 When responding to the terms of reference, many submitters directed their evidence towards specific countries, with most emphasis placed on countries nearest to Australia geographically or those that receive Australian development assistance.
- 1.16 The largest proportion of evidence received for the inquiry referred to:
- Indonesia
 - Timor-Leste
 - Cambodia
 - Vietnam
 - Burma/Myanmar
 - Sri Lanka
 - Bangladesh
 - Afghanistan
 - Pacific Islands countries, including Papua New Guinea and Solomon Islands.
- 1.17 The inquiry received relatively little evidence on the African East Coast countries, and none on the United States and Canada.
- 1.18 This report of the inquiry does not intend to unfairly criticise or single out individual countries or governments. However, unavoidably there were countries or groups of countries that were subject to critical commentary in the evidence received. For example, in relation to:
- the rates of violence against women in PNG and the Pacific Islands; and
 - the exceptionally low rates of female representatives holding seats in Pacific Island legislatures.
- 1.19 Some major Indo-Pacific countries, including China and India, were discussed in only a few submissions.

Empowering women and girls—an Australian foreign policy priority

- 1.20 Announcements by the Minister for Foreign Affairs, the Hon Julie Bishop MP, which coincided with the progress of this inquiry, have placed the empowerment of women and girls among the Australian Government's foreign policy priorities.
- 1.21 On 18 June 2014, the Foreign Minister announced the Government's new aid paradigm. The Minister said this policy 'takes the long view and hails a new phase in development assistance in the tradition of the Colombo

Plan.’⁶ The Minister said that the Australian aid program would now have six priority areas, one of which included the empowerment of women and girls in the region. On this issue, the Minister stated:

We will focus in particular on women’s economic empowerment – on promoting women’s leadership in politics, business, communities and families and on eliminating violence against women and children. One of our performance benchmarks is that all of our aid investments must assess gender issues with at least 80 per cent focused on support and empowerment of women. Training women for employment, building their capacity and challenging barriers to their participation will deliver social and economic benefits to all societies. Evidence shows that it is women who spend extra income promoting the health, education and well-being of their families.⁷

1.22 One month later, the Minister commented further in a media release relating to the Pacific Islands, which stated:

The Australian Government considers women’s economic empowerment, ending violence against women and girls, and enhancing women’s leadership opportunities in the Pacific a foreign policy priority.

...

Improving leadership and decision-making opportunities for women in the region is essential to reducing poverty and promoting economic growth and democracy. All people prosper when women are equal participants in society, including in politics and in the economy.⁸

1.23 An opinion article published in *The Australian*, written jointly by Foreign Minister Bishop, then-Defence Minister Senator Johnston, then-US Secretary of Defence Chuck Hagel and US Secretary of State John Kerry stated:

Empowering women and girls and advancing gender equality is crucial to the economic and political success of the region.⁹

6 The Hon Julie Bishop MP, Minister for Foreign Affairs, ‘The New Aid Paradigm’, Speech to the National Press Club, 18 June 2014 < foreignminister.gov.au/speeches/Pages/2014/jb_sp_140618.aspx?ministerid=4 > viewed 16 April 2015. For more information on the ‘Colombo Plan’ see < www.colombo-plan.org/ > viewed 14 October 2015.

7 Minister for Foreign Affairs, ‘The New Aid Paradigm’, Speech to the National Press Club, 18 June 2014.

8 Minister for Foreign Affairs, ‘Increasing Women's Leadership in the Pacific’, *Media Release*, 16 July 2014.

9 Minister for Foreign Affairs the Hon Julie Bishop MP; Minister for Defence, Senator David

- 1.24 In October, when addressing a reception of the Indian Ocean Rim Association Council of Minister's meeting, the Foreign Minister said that there should be focus on the economic empowerment of women in the Indian Ocean Rim area:
- ...because some of the lowest labour force participation amongst women occurs in the Indian Ocean Rim. We know if more women were able to take part in the labour markets, the formal economies, the GDP of our region would increase significantly.¹⁰
- 1.25 More recently, the 2015–16 Federal Budget allocated \$50 million to establish a 'competitive gender equality fund to strengthen gender equality and women's economic empowerment in our region'.¹¹
- 1.26 This inquiry has therefore been timely, given the level of attention being dedicated to the issues within the inquiry's terms of reference.

Previous work of the Committee

- 1.27 The Joint Standing Committee on Foreign Affairs, Defence and Trade has a number of Sub-Committees that have undertaken relevant inquiries in recent years.
- 1.28 For instance, the Human Rights Sub-Committee's most recent report was entitled *Trading Lives: Modern Day Human Trafficking*, published in June 2013. The report examined the crimes of trafficking in persons, slavery and slavery-like practices.
- 1.29 The Foreign Affairs and Aid Sub-Committee conducted an inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region. The report, *Partnering for the Greater Good*, was tabled in June 2015. Chapter eight of this report examines women's empowerment and economic growth.
- 1.30 In June 2012 the Committee initiated an inquiry into Australia's Human Rights Dialogues. This inquiry examined the effectiveness of the dialogue process.

Johnston; US Secretary of State John Kerry; US Secretary of Defense Chuck Hagel, 'Alliance with US a Boon for Asia', *The Australian*, 12 August 2014, p. 12.

10 The Hon Julie Bishop MP, Minister for Foreign Affairs, 'IORA 2014 Welcome Reception', Speech to the IORA 2014 Welcome Reception, 8 October 2014 <foreignminister.gov.au/speeches/Pages/2014/jb_sp_141008a.aspx?ministerid=4> viewed 16 April 2015.

11 The Hon Julie Bishop MP, Minister for Foreign Affairs, '2015 Foreign Affairs Budget', *Media Release*, 12 May 2015 <foreignminister.gov.au/releases/Pages/2015/jb_mr_150512.aspx?ministerid=4> viewed 4 May 2015.

Barriers to enhancing the human rights of women and girls

- 1.31 The increased focus on empowering women and girls reflects a recognition that many barriers still exist that prevent women and girls realising their human rights and achieving their potential.
- 1.32 The terms of reference asked the Committee to examine the following term of reference: ‘barriers and impediments to enhancing the human rights of women and girls’. Evidence addressing this term of reference demonstrated that women and girls are still heavily disadvantaged, with many suffering abuses against them on the basis of their gender.¹²
- 1.33 The Committee received many detailed examples of human rights abuses during the inquiry. The most frequently cited issues impacting the human rights of women and girls were:
- violence against women and girls, including physical and sexual violence, forced marriage and trading of women;
 - continuing discrimination against women in legislation and, where legislation has been enacted to promote the rights of women and girls, a failure to implement it or punish transgressions;
 - negative impacts of conflict and disasters on women and girls, who are often more vulnerable in crisis zones;
 - reproductive rights abuses, including lack of access to family planning and safe birthing conditions;
 - lack of access to health care and basic amenities;
 - discrimination and abuse of disabled and minority women;
 - barriers for women in accessing education above the primary school level, and especially higher education;
 - limited access to paid work, fair working conditions and economic opportunities, such as access to finance; and
 - barriers to women’s independence and leadership in their communities and the formal political sphere.
- 1.34 These barriers are explored in detail throughout this report with specific discussion of progress that has been made so far, and programs that are working to bring about change.

12 Dr Susan Harris Rimmer, *Exhibit 28: J Klugman et al, Voice and Agency: Empowering Women and Girls for Shared Prosperity*, World Bank Group, 2014, p. xvi.

Structure of the report

- 1.35 The Committee acknowledges that the terms of reference for the inquiry were very broad and far reaching. As such, the Committee was not able to address all aspects of women's human rights in the course of the inquiry, and was limited in its capacity to investigate specific issues. The report, instead, focusses on the main factors addressed in the evidence.
- 1.36 It should be noted that the Committee's focus in this report is international, not domestic. Although the Committee noted evidence received relating to Australia, the inquiry was not able to address these issues.
- 1.37 The recommendations made in this report are drawn from those made to the inquiry or are informed by consideration of the evidence presented throughout the inquiry. A number of the recommendations suggest the continuation of existing programs, particularly those that evidence suggests are having some success.
- 1.38 The report's primary focus is in areas where Australia can make a difference, particularly through ODA and diplomacy in the region. Consequently, the majority of the recommendations made in the report pertain to Australia's ODA within the region. A number of recommendations also pertain to DFAT's focus, priorities, and processes and procedures in relation to gender in the aid program and its diplomatic work.
- 1.39 The report's structure is, as follows:
- **Chapter one – Background.** This chapter outlines the conduct of the inquiry and terms of reference, and introduces the region's scope. It also clarifies that the rights of women and girls are a foreign policy priority for Australia.
 - **Chapter two – Human rights of women and girls and the role of the law.** This chapter addresses term of reference one, summarising the key human rights challenges faced by women and girls, and considers international instruments designed to promote the rights of women and girls worldwide. It outlines the legal status of women and girls in the region, considering legislative protections, discriminatory laws, policing and security services, and changes over time.
 - **Chapter three – Violence against women and girls.** This chapter presents evidence in relation to gendered violence in the region and the impact that violence is having on the lives of women and girls. It considers achievements and programs that are having an impact.

- **Chapter four – Women and girls in war, conflict and disaster zones.** This chapter looks at evidence the inquiry received about the gendered impacts of war, conflict, natural disasters and displacement, where women can be especially vulnerable. It considers some of the achievements made in this field and Australia’s work.
- **Chapter five – Health, reproduction and amenities.** This chapter presents evidence around the health and welfare of women and girls in the region, with a particular focus on sexual and reproductive health, access to sanitation and facilities, disease, and the particular concerns of women with disabilities. The chapter considers achievements to date, and examples of successful programs.
- **Chapter six – Education and the rights of girls.** This chapter presents evidence on the remaining barriers to education and empowerment faced by many women in the region, while acknowledging the progress that has been made in girls’ participation in primary education. The chapter looks at achievements to date, areas where women and girls are still disadvantaged, and examples of programs that are having an impact.
- **Chapter seven – Women and leadership.** This chapter provides an overview of the progress that women have made as leaders in communities and in parliaments across the Indo-Pacific region, and reflects on the constraints which continue to limit their participation as decision makers. The chapter also considers some of the mechanisms that are building skills and opening opportunities for women to take on leadership roles, and how the Australian government could better support these efforts.
- **Chapter eight – The economic empowerment of women.** This chapter discusses women in paid and unpaid work in the region and those factors that enable or inhibit their participation and capacity to benefit from economic growth. This chapter also responds to the term of reference requiring examination of the implications for economic and social development in the Indo-Pacific region of promoting women and girls’ human rights.
- **Chapter nine – Gender in Australia’s aid and diplomacy.** Referring to evidence from DFAT and other witnesses, this chapter sets out the evidence describing the gender focus of Australia’s aid program and diplomatic efforts in the region. It also addresses term of reference number four, which refers to the effectiveness of Australian programs to support efforts to improve the human rights of women and girls in the Indo-Pacific region.

- **Chapter 10 – Improving Australian programs.** This chapter presents evidence received in the course of the inquiry from DFAT and others on the availability and quality of data and research to measure the effectiveness of gender programs. It further considers DFAT’s plans for improving its gender programming, and presents some of the key recommendations from the non-government sector.

