Human rights in the Asia-Pacific
Challenges and opportunities

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

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

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

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

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

One way the Sub-Committee sees progress being possible is through the bilateral dialogues particularly through regular briefings to Parliament by government on dialogue outcomes.
Other recommendations in the Report were for AusAID to adopt a human rights based approach to guide the planning and implementation of development aid projects; support for regional ratification of existing UN and other treaties and for meeting other human rights obligations; Australian scholarship and educational support for non-government organisations and other civil society organisations in the region; and the appointment of an Australian special envoy on human rights to conduct high level consultations on regional human rights cooperation.

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

Ms Kerry Rea MP
Human Rights Sub-Committee Chair
Membership of the Committee

Chair Senator M Forshaw

Deputy Chair The Hon D Hawker MP

Members

Senator M Arbib (from 01/07/08 till 11/03/09)
Senator A Bartlett (till 30/06/08)
Senator M Bishop
Senator M Cormann (till 23/09/08)
Senator A Eggleston (till 19/03/08)
Senator the Hon A Ferguson (from 01/07/08)
Senator M Fifield
Senator M Furner (from 16/03/09)
Senator S Hanson-Young (from 04/12/08)
Senator the Hon D Johnston (from 23/09/08)
Senator L J Kirk (till 30/06/08)
Senator S Ludlam (from 26/11/08)
Senator the Hon J A L (Sandy) Macdonald (till 30/06/08)
Senator C M Moore
Senator K O’Brien (from 01/07/08)
Senator M Payne (from 19/03/08)
Senator N Stott Despoja (till 30/06/08)
Senator R Trood
Senator R S Webber (till 30/06/08)
The Hon B Baldwin MP
The Hon A Bevis MP
The Hon J Bishop MP (from 11/03/09)
Mr M Coulton MP (from 22/2/10)
Mr M Danby MP
Ms A Ellis MP
The Hon J Fitzgibbon MP (from 15/06/09)
Mr S W Gibbons MP
Ms S Grierson MP
Mr D Hale MP
The Hon I Macfarlane MP (till 3/02/10)
Mrs L Markus MP (from 25/09/08)
Ms S Mirabella MP (till 11/03/09)
The Hon J Murphy MP (from 20/03/09)
Mr R Oakeshott MP (from 20/03/09)
Ms M Parke MP
Ms K Rea MP
Mr B Ripoll MP
The Hon A Robb AO MP (till 25/09/08)
Mr S Robert MP
The Hon P Ruddock MP
Ms J Saffin MP
The Hon B Scott MP
Mr K Thomson MP (till 15/06/09)
Mr W Truss (from 3/02/10 till 22/2/10)
Ms M Vamvakinou MP

Secretary Dr M Kerley
Membership of the Human Rights Sub-Committee

Chair
Ms K Rea MP

Deputy Chair
The Hon P Ruddock MP

Members
Senator M Fifield
Senator M Forshaw (ex officio)
Senator M Furner
Senator S Hanson-Young
Senator C Moore
Senator R Trood
Mr M Danby MP

Ms A Ellis MP
Ms S Grierson MP
The Hon D Hawker MP (ex officio)
Mrs L Markus MP
Mr R Oakeshott MP
Ms M Parke MP
Ms M Vamvakinou MP

Committee Secretariat

Secretary
Dr Margot Kerley

Inquiry Secretary
Ms Samantha Mannette

Principal Research Officer
Mr Paul Zinkel

Office Manager
Mrs Donna Quintus-Bosz

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

- the United Nations human rights system;
- regional mechanisms; and
- roles for parliaments
# List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
</tr>
<tr>
<td>ACFID</td>
<td>Australian Council for International Development</td>
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<tr>
<td>ACTU</td>
<td>Australian Council of Trade Unions</td>
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<tr>
<td>AHRB</td>
<td>ASEAN Human Rights Body</td>
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<tr>
<td>AHRC</td>
<td>Australian Human Rights Centre</td>
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<tr>
<td>AICHR</td>
<td>ASEAN Intergovernmental Commission on Human Rights</td>
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<tr>
<td>AIPMC</td>
<td>ASEAN Inter-Parliamentary Myanmar Caucus</td>
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<tr>
<td>APc</td>
<td>Asia-Pacific community</td>
</tr>
<tr>
<td>APF</td>
<td>Asia-Pacific Forum of National Human Rights Organisations</td>
</tr>
<tr>
<td>APPF</td>
<td>Asian Pacific Parliamentary Forum</td>
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<tr>
<td>ARF</td>
<td>ASEAN Regional Forum</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of South East Asian Nations</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>BCA</td>
<td>Burma Campaign Australia</td>
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<tr>
<td>CAT</td>
<td>Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>CCF</td>
<td>Citizen’s Constitutional Forum</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CHRI</td>
<td>Commonwealth Human Rights Initiative</td>
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<tr>
<td>CIGJ</td>
<td>Centre for International Governance and Justice</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade</td>
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<tr>
<td>ESCAP</td>
<td>Economic and Social Commission for Asia and the Pacific</td>
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<tr>
<td>FWCC</td>
<td>Fiji Women's Crisis Centre</td>
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<tr>
<td>FWRM</td>
<td>Fiji Women's Rights Movement</td>
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<tr>
<td>HRC</td>
<td>Human Rights Council</td>
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<tr>
<td>HRLC</td>
<td>Human Rights Law Resource Centre</td>
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<tr>
<td>HRTC</td>
<td>Human Rights Technical Cooperation Program</td>
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<tr>
<td>IACHR</td>
<td>Inter-American Commission on Human Rights</td>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICERD</td>
<td>Convention on the Elimination of All Forms of Racial Discrimination</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>ICPMW</td>
<td>Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</td>
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<tr>
<td>ISF</td>
<td>International Stabilisation Force</td>
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<tr>
<td>JSCFADT</td>
<td>Joint Standing Committee on Foreign Affairs, Defence and Trade</td>
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<tr>
<td>NGO</td>
<td>Non Government Organisation</td>
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<tr>
<td>Acronym</td>
<td>Full Name</td>
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<tr>
<td>NHRI</td>
<td>National Human Rights Institution</td>
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<td>NCYLC</td>
<td>National Children’s and Youth Law Centre</td>
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<tr>
<td>OAS</td>
<td>Organization of American States</td>
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<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner on Human Rights</td>
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<tr>
<td>PICTs</td>
<td>Pacific Island Countries and Territories</td>
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<tr>
<td>RRRRT</td>
<td>Pacific Regional Rights Resource Team</td>
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<tr>
<td>SCIL</td>
<td>Sydney Centre for International Law</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<td>UPR</td>
<td>Universal Periodic Review</td>
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6 Australia’s role

Recommendation 1

The Committee recommends that:

- the Australian delegations to its bilateral human rights dialogues with China and Vietnam include parliamentary representation from the Human Rights Sub-Committee of the Joint Committee on Foreign Affairs, Defence and Trade; and that

- the Department of Foreign Affairs and Trade provide the Human Rights Sub-Committee with an annual briefing on the outcomes of these dialogues, and on any other bilateral human rights dialogues that may later be established with countries in the Asia-Pacific.

Recommendation 2

The Committee recommends that AusAID adopt a human rights-based approach to guide the planning and implementation of development aid projects.
Recommendation 3

The Committee recommends that in responding to the need to make progress in the region on embracing and implementing the universal human rights principles contained in the core human rights treaties, the Australian Government should review its current strategies, consult closely with key regional stakeholders, and consider work already being undertaken on this issue. This should include consideration of:

- human rights education to enhance understanding in the region of the content, benefits and practical local application of these treaties; and
- ongoing support for countries to meet reporting and other participation obligations in the United Nations human rights system.

Recommendation 4

The Committee recommends that the Australian Government establish a scholarship fund to enable individuals from non-government organisations and civil society groups in Asia and the Pacific, who work in human rights or relevant fields, to attend approved human rights courses in Australia.

Recommendation 5

The Committee recommends that the Australian Government appoint a special envoy for Asia-Pacific regional cooperation on human rights, to undertake consultations with countries in Asia and the Pacific, and report to the Government within 12 months. The special envoy should engage in discussion in the region on how Australia can best support regional approaches to the protection and promotion of human rights, and the redress for human rights violations in the Asia-Pacific. The special envoy’s responsibilities should be determined by the Minister for Foreign Affairs, but could include:

- undertaking high-level political consultations about the establishment of a Pacific subregional human rights mechanism and a wider Asia-Pacific regional mechanism; and
- consulting with government officials and key regional non-government stakeholders.