



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

**Submission to the Department of Foreign Affairs
and Trade on Australia's new international
development policy**

30 November 2022

Introduction

The Asia Pacific Forum of National Human Rights Institutions (APF) is a coalition of national human rights institutions (NHRIs) from 26 nations in the Asia Pacific. We provide a platform for NHRIs to respond collectively to the human rights challenges facing the region. We seek to support and strengthen NHRIs in their efforts to promote and protect human rights throughout the Asia Pacific. Based on our 25 years of experience, we are convinced that independent and effective NHRIs, acting individually and collectively to influence laws, policies, practices and attitudes, will create an improved human rights environment in the Asia Pacific. The Australian Government, through the Department of Foreign Affairs and Trade (DFAT), has been one of our principal supporters since our establishment in 1996.

The APF makes this submission to DFAT's new international development policy on the basis of our expertise and experience over those 25 years. We have worked extensively through the region, from Samoa to Palestine. We have, in our view, a unique understanding of the development situation in the 50+ countries in which we have worked.

Human rights and development

The terms of reference (TOR) for this consultation use the phrase 'human rights' as one of the Australian Government's commitments underpinning the policy. The TORs also refer to values based on human rights – values of 'mutual trust and respect, ... fairness and equality', inclusion, accountability, resilience and connection.

Human rights are inherent to development. Indeed, as United Nations (UN) secretaries general, resolutions and policy documents have affirmed repeatedly, there can be no development without human rights.¹ The TOR rightly draw attention to five environmental risks which are among the ten most severe risks identified on a global scale over the next ten years. The fourth highest global risk on this list is the erosion of social cohesion, which is all about human rights.² The protection and promotion of human rights can provide 'the foundations of a peaceful, stable, and prosperous Indo-Pacific.'³

The TOR seek 'an effective development program that is grounded in the Sustainable Development Goals' (SDGs).⁴ The 2030 Agenda and its 17 SDGs, with their 169 targets, are explicitly grounded in human rights law and their ultimate objective is the full realisation of all human rights for all people, without discrimination of any kind.⁵

Recommendation 1: APF recommends that, consistently with international law, policy and practice, the new international development policy explicitly affirm the centrality of human rights in development, both as an end (goal or objective) of Australia's new international development policy and as a means (process or methodology) to implementing the policy and realising development.

¹ See, for example, Kofi Annan, Secretary General, *In larger freedom* UN document A/59/2005 para 17.

² World Economic Forum *The Global Risks Report 2022* p 14 at https://www3.weforum.org/docs/WEF_The_Global_Risks_Report_2022.pdf.

³ Terms of Reference p 3.

⁴ Terms of Reference p 1.

⁵ UN General Assembly Resolution A/RES/70/1 25 September 2015 PP 3 at www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/1.

When listing the goals or objectives of Australia's new international development policy, the policy should specify the promotion and protection of human rights. When describing the process or methodology by which the policy goals or objectives are to be pursued, the policy should include a human rights based approach (HRBA).

The specific inclusion of human rights as both goal and process has necessary consequences for the content of Australia's international development program. These consequences should also be included specifically in the new international development policy.

The content of the international development program

Human rights programs and projects have their own human rights objectives, products (outputs), results (outcomes) and indicators. Each human rights program or project can be related to specific human rights and specific SDGs. Explicitly articulating the human rights and SDGs for each program and project helps to make the relationship clear and so it helps to define the objectives and to evaluate the results.

These human rights specific programs and projects should include both significant multi-year institutional support, such as DFAT has provided to the APF, and small grants to human rights organisations for specific projects, such as was provided formerly under the Human Rights Small Grants Scheme.

Institutional support enables key drivers of capacity building and strengthening at national and regional levels to contribute to the long task of national human rights development. This work is not quick and easy but requires a multi-year commitment and an acceptance that there will be setbacks as well as advances. It is a critical component in building 'a peaceful, stable, and prosperous Indo-Pacific'. It contributes to increasing accountability and resilience. Here, NHRIs play crucial roles in ensuring state accountability consistent with international human rights standards.

Provision of small grants to human rights organisations has achieved notable successes in the past. Relative to other aspects of development, human rights work is not expensive. Small organisations can accomplish much with a little support. The Australian Government made small but significant contributions to basic, local-level human rights work in many countries under the former Human Rights Small Grants Scheme. Projects were proposed and assessed by Australian diplomatic missions. A group of human rights experts, on a pro bono basis, reviewed and recommend projects for funding. Those recommendations were almost always accepted. The Scheme was inexpensive to administer and unbureaucratic. It allowed a large number of organisations, often in very difficult human rights contexts, to do worthwhile work. The Scheme was discontinued in about 2013. Establishing a similar scheme has merit.

Recommendation 2: APF recommends that the international development program include political and financial support for human rights specific programs and projects, including support both for institution building and strengthening and for small human rights projects.

Because there can be no development without human rights, human rights have to be seen as a core component of all development, not only development initiatives that specifically target human rights. Mainstreaming enables the integration of human rights comprehensively through the new international development policy. It requires the explicit identification of

human rights that are relevant in every program or project and the inclusion in that program or project of components that can focus on the identified human rights.

Recommendation 3: APF recommends that, under the new international development policy, human rights be mainstreamed in all Australian development activities, with all programs and projects including a human rights component.

The international development process

The HRBA provides a strong basis for the process of development. It requires that the development process itself respect and protect human rights, so that no program or project is associated with or leads to human rights violations and that every program and project complies with human rights requirements.

The United Nations Development Group's *Statement of Common Understanding of the Human Rights-Based Approach to Development Cooperation and Programming* identified three key elements in the HRBA.

1. All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.⁶

It also listed core principles to be implemented in applying the HRBA.

Human rights principles guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design (including setting of goals, objectives and strategies); implementation, monitoring and evaluation.

Among these human rights principles are: universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law.⁷

⁶ https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_a_mong_UN.pdf p 1.

⁷ https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_a_mong_UN.pdf p 2.

Recommendation 4: APF recommends that the new international development policy incorporate the HRBA as the required methodology to be employed in delivering development assistance consistently with Australia's international human rights obligations.

Human rights priorities in the new international development policy

Australia's thematic and demographic priorities should be clear in its new international development policy. The identification of these priorities should be informed by analysis of regional and national contexts informed by international human rights law. The prioritised issues should be those most critical in human rights terms in this region. The demographic priorities should be those population groups that are most disadvantaged and marginalised, politically, economically and socially.

In preparing its 2022-2027 strategic plan, the APF examined the context in which we are working.⁸ The strategic plan identified a political context characterised by shrinking human rights spaces, with a rise in the number of authoritarian nations in the region and populist political ideologies that have begun to undermine a rules-based order and erode democratic traditions that are crucial to protecting human rights. It anticipated that increasing geo-political instability will spill over into countries across the region.

The strategic plan also identified deepened economic inequality in the Asia Pacific, with a negative impact on the harmony and social development of societies. More people are at risk of living in poverty with an increased likelihood of conflict and crime.

Social factors across the Asia Pacific, such as demographic trends, power structures in the society, women's participation in political, economic and social life, and the situation of marginalised groups, are affecting human rights. The social exclusion of women and minority groups can lead to human rights violations.

Environmentally, nations across the region have felt, and will continue to feel, the devastating effects of climate change, pollution and biodiversity loss. The severity and frequency of extreme weather events and natural disasters will increase. Traditions and cultures based on connection to place will be threatened. Nations are experiencing environmental degradation at an alarming rate, with pollution threatening the health and safety of communities.

This analysis led the APF to identify our priorities as:

- gender equality
- environment and climate change
- human rights defenders and civic space.

These priorities cut across all areas of APF work.

The TOR indicate that the new international development policy is to be linked to the 2030 Agenda and the SDGs. The 2030 Agenda principle of 'leave no one behind' recognises that in the past some have been left behind and are not benefiting from general development

⁸ See APF *Strategic Plan 2022-2027* p 8 at <file:///C:/Users/chris/Desktop/filing/APF%20strategic%20plan%202022-27.pdf>.

progress and that the circumstances and barriers these people face require special attention in achieving the SDGs. International human rights instruments to which Australia is a party have singled out particular groups for special attention. These international agreements provide a basis for identifying those issues and groups that should be given priority in Australia's development programming.

Recommendation 5: APF recommends that the new international development policy state explicitly Australia's thematic and demographic priorities for development assistance, based on the analysis of the regional context, with attention to the situations of

- **women and girls**
- **children and young people**
- **indigenous peoples**
- **ethnic minority people**
- **people with disability**
- **refugees and internally displaced persons**
- **migrants**
- **lesbian, gay, bisexual, transgender and intersex people**
- **human rights defenders**
- **those affected by climate change**
- **those living in extreme poverty.**

Foundations of a peaceful, stable, and prosperous Indo-Pacific

The new development policy will seek to reinforce the foundations of a peaceful, stable, and prosperous Indo-Pacific with a focus on:

- building effective, accountable states that can sustain their own development
- enhancing states and community resilience to external pressures and shocks
- connecting partners with Australia and regional architecture, and
- generating collective action on global challenges that impact our region.

The APF believes that working with states and their communities to establish and strengthen NHRIs is in line with the aims of the new development policy. The past developments in this area indicate that it is a successful strategy in building effective and accountable states through strengthening partnerships and connections. It is implemented through a regional platform established via Australian diplomacy which is founded on mutual trust, respect and the shared values of fairness and equality.

Recommendation 6: APF recommends that the new international development policy continue to focus on the establishment and strengthening of NHRIs