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Australian Human Rights Commission submission to New International Development Policy

Thank you for the opportunity to contribute to the development of the Australian Government's New International Development Policy and to participate in your recent Sydney-based consultations. Our submission focuses on four of the seven guiding questions outlined in the New International Development Policy: Terms of Reference (ToRs).

1. What key trends or challenges will shape Australia's engagement in our region and globally over the next five to 10 years? What risks and opportunities does this present for Australia's development assistance?

The Australian Human Rights Commission (the Commission) supports the scope of the policy laid out in the ToRs, and agrees the current risks posed by climate change, COVID-19 recovery and the strategic contest in the Indo-Pacific will shape Australia's future engagement. These external risks pose additional challenges to already resource-challenged states' ability to promote and protect the human rights of vulnerable populations.

The negative impacts of COVID-19 on human rights in the region and globally, such as the losses experienced in addressing gender-based violence, economic inequality and modern slavery, remind us how quickly the erosion of human rights can occur.

The external challenges identified above are collective challenges which can only be addressed by states and populations working cooperatively. The

interdependence states and populations now so clearly experience is an opportunity for the Australian Government to frame its development policy in terms of mutual responsibility, respect and reciprocity and cooperation where each partner brings their comparative advantage to the table. In human rights terms, that might be acknowledging the leadership role of the Pacific in its people-centred approach to mitigating climate change and adapting international norms to specific cultural contexts. In turn, Australia can provide leadership in gender, disability and social inclusion, for example.

2. *What development capabilities will Australia need to respond to these challenges?*

In order to address these collective challenges effectively, and be responsive to emerging threats and challenges, Australia will need to integrate a human rights-based approach to international development policy, and ensure whole of department as well as whole of government delivery of this approach. Policy and programming built on a human rights-based approach ensures human rights principles and standards guide decisions about *what* development programs should be undertaken and *how* these development programs are achieved. A human rights-based approach should also be applied in humanitarian, development and conflict or post-conflict environments, allowing for coherent transitions between these phases of development.

A policy built on a human rights-based approach is guided by the principles of participation, accountability, non-discrimination and equality, empowerment and legality.¹ Such a policy would emphasise programs that empower and include the most marginal populations in assessing root causes and designing solutions and would result in long-term systemic change. An international development policy based on human rights would naturally lead to the prioritisation of programs that support good governance, economic, social and cultural equality, the rule of law, gender equality and non-discrimination.

A rights-based approach ensures that any international development program:

- respects individuals as rights-holders who should be able to meaningfully participate in their own development;
- emphasises and prioritises local knowledge, for example incorporating traditional cultural practices into land management responses;
- honours the principles of non-discrimination and substantive equality when assessing the impact of a program; and

- uses minimum human rights standards as a guide for decision-making when weighing competing demands with limited resources.

The Commission recommends that Australia's new international development policy be framed with a human rights-based approach to articulate the policy's intended outcomes and identify program opportunities.

3. How can Australia best utilise its national strengths to enhance the impact of our development program and address multidimensional vulnerabilities?

The Commission stands ready to engage with DFAT to review Australia's international human rights engagement with international partners, particularly within our own region. Over the past two and a half decades the Commission has worked with at least 25 countries from across the region and globally, and has ongoing relationships with national human rights institutions and mechanisms, through existing regional networks and UN forums where Australia has a leading role. Australia has just been elected, as an Asia Pacific Forum member, to the Global Alliance of National Human Rights Institutions (GANHRI) Bureau.

The Commission has also partnered with DFAT to administer and deliver a wide variety of human rights technical cooperation programs across ASEAN countries and across a variety of human rights themes including cyber security, human rights education and responsible business practice.

Domestic mechanisms that further the promotion and protection of human rights such as National Human Rights Institutions (NHRIs) and mechanisms, independent justice systems and transparent and democratic electoral processes are integral to the sustainable development of a society. In the Commission's experience, supporting the development of these national institutions is a cost-effective and impactful way to support human rights at the national level.

The Commission has also actively participated in a range of DFAT bilateral human rights dialogues, most recently with Vietnam and Laos, and is looking to renewed human rights dialogue and engagement with our Pacific partners, particularly emerging Pacific NHRIs and mechanisms. In our view this Pacific engagement is a particularly ripe opportunity that might be supported by

Government. Disability rights, violence against women, UN treaty reporting and implementation, human rights education in schools, NHRI institutional strengthening, children's rights and of course the human rights impacts of climate change would be useful dialogue themes with key Pacific allies.

The Commission recommends that Australia's new international development policy emphasise programs that support institution-to-institution partnerships and invest in institutional capacity, including that of NHRIs, to enable states to effectively implement their international human rights obligations.

The Commission recommends Australia engage with regional mechanisms to collaborate on common challenges such as climate change and the right to a healthy environment.

4. What lessons from Australia's past development efforts should inform the policy? What is Australia seen to be doing comparatively well?

The positioning of gender equality and the empowerment of women and girls as one of six priority areas in the most recent international development policy has led to a dedicated strategy, performance targets, financial resources and political leadership which has had real and impactful results for program recipients. The success of this focus is recognised and supported by the most recent OECD Development Co-operation Peer Review Report and UN Women Australia, among others.²

The Commission notes the success of this prioritisation and is of the view that the new international development policy could adapt this strategy for other major human rights challenges.

The Commission recommends building on the success of Australia's support for gender equality and empowerment and provide increased support to the following human rights priorities:

- **Climate change and the right to a healthy environment**
- **Gender equality and the rights of women, girls and LGBTQIA+ people**
- **The rights of Indigenous peoples**
- **Disability rights**
- **Children's rights and protection**
- **Labour rights and modern slavery**

Thank you for the opportunity to make this submission. The Commission is available at any time to discuss any aspect of this submission further.

Yours sincerely

A handwritten signature in black ink that reads "Rosalind Croucher". The signature is written in a cursive, flowing style.

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¹ Australian Human Rights Commission, *Human rights based approaches* (18 June 2013). At <https://www.humanrights.gov.au/our-work/rights-and-freedoms/human-rights-based-approaches> (viewed 25 November 2022).

² Joint Standing Committee on Foreign Affairs, Defence and Trade, "First report", *Inquiry into Australia's aid program in the Indo-Pacific*, Parliament of the Commonwealth of Australia (April 2019), page 85. At https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Australiasaidprogram/Interim_Report (viewed 25 November 2022).