



DFAT NGO Forum on Human Rights 9 February 2017

Introduction

ICJ Victoria were pleased to send a delegate to the DFAT Forum on Human Rights in Canberra on 9 February 2017. The delegate sent was current Assistant Secretary, Shannon Finegan. This is a yearly event where the Department of Foreign Affairs and Trade consults various members of civil society about fundamental issues of international human rights that need to be addressed in Australia. It was well attended, with DFAT reporting that over there were 65 civil society groups present.

Content

The event was chaired by senior DFAT bureaucrat, Lachlan Strahan. The day was broken into a number of different discussions:

- An introduction into Australia's international human rights engagement
- Business and human rights
- The rights of Indigenous people
- DFAT's Foreign Policy White Paper

There was an appearance from politicians, Foreign Minister the Hon Julie Bishop MP, and Senator Attorney General the Hon George Brandis QC. Bishop welcomed the attending delegates, and focussed on the campaign for the Human Rights Council. Brandis announced that Australia would ratify the Optional Protocol to the Convention Against Torture (OPCAT). This is clearly in response to the human rights abuses being experienced in juvenile detention facilities (Don Dale), and Brandis mentioned this. There was no comment about how ratifying OPCAT will impact Australia's offshore detention regime, nor any opportunities for questions from delegates.

Australia's International Human Rights Engagement

Australia is applying to be on the United Nations Human Rights Council 2018-20. There are three nation states applying for two positions, the other countries being France and Spain. DFAT states that as Australia is unique in its political and geographic position, this provides a different perspective.

DFAT have provided the list of pledges that it has made as part of the campaign. See attached.

DFAT have reasserted its commitment to address concerns made at the Universal Periodic Review. This will be in the form of a website, with a clear tracking of how Australia is addressing each of the recommendations. Noted that this commitment was made at the last DFAT Forum, and it is still in its implementation phase. The next UPR will be in October 2020.

Business and Human Rights

Discussion on international business and human rights. There was a particular focus on workers rights, especially slavery and child labour.

The Rights of Indigenous People

Aboriginal DFAT employees Emily Hill and Sheena Graham provided an outline of the current projects and policy that DFAT are implementing for the advancement of Indigenous People internationally. This was especially in light of the pledge made by the Australian Government regarding their petition for a place on the Human Rights Council. Discussion points included:

- Appointment of Australia to HRC will have an impact on the long term engagement with Indigenous issues; funding for programs will come with Australia's commitment.
- It has been 10 years since Australia signed the Declaration on the Rights of Indigenous Peoples. There has been a call for a review of performance.
- Support of indigenous companies in international trade.
- Increase economic rights. Business can be used as a tool for advancement.
- Aiming for gender equality.
- Indigenous organisations are a superior option for providing aid. The systems implemented are better as those providing have lived experience of overcoming inequity. This is also a good way to improve and promote engagement of indigenous organisations.
- Health and indigenous people.

Many Aboriginal organisations present, including National Congress of Australia's First Peoples, the North Australian Aboriginal Justice Agency, Reconciliation Australia, and the National Aboriginal and Torres Strait Islander Legal Service.

Rod Little from Congress made the following points in light of this presentation regarding candidacy to the Human Rights Council:

- 10 years is too long to commence implementing the treaty;
- The level of engagement with grassroots Aboriginal agencies is currently inadequate;
- The Special Rapporteur on the rights of Indigenous Peoples is visiting Australia this year;
- Progress in this matter is too slow.

Other comments made:

- There is poor civic understanding of the obligations that the Treaty has had on the state.
- Pledge document needs to have a health perspective. Focussing on health strengthens communities, allows for access to global best practice, and increases community ownership of social issues.
- Criticism of recognition being necessarily positive, without the emphasis on self determination. Comment from DFAT: this is a political issue.
- Need for Human Rights Act - DFAT has no influence; current climate is that this will not happen.
- Redfern Statement largely ignored; can there be a greater interest in domestic submissions to DFAT?

DFAT Foreign Policy White Paper

Outline of White Paper process. Long consultation followed, where delegates expressed their concerns with current domestic policy on international human rights.

Outcomes and ICJ Victoria Engagement

There were a number of ways in which ICJ Victoria can engage after the event:

- Submission to the DFAT White Paper on Foreign Policy (due 28 February 2017)
- Endorse Australia's application to be on the United Nation's Human Rights Council 2018-20
- Encourage Archie Roach Foundation to apply for grant through UN Indigenous Peoples Assistance Facility (https://www.ifad.org/topic/ipaf/overview/tags/indigenous_peoples/2093919), support organisation through the grant process.