SUBMISSION ON THE PROPOSED NATIONAL HUMAN RIGHTS ACTION PLAN FOR AUSTRALIA

9 February 2010

The Australian Section of the Women’s International League for Peace and Freedom (WILPF) is an international non-government organisation in consultative status with United Nations ECOSOC and UNESCO. The Women’s International League for Peace and Freedom also has special consultative relations with the FAO, ILO and UNICEF. WILPF works for social and racial justice, human rights and an end to war as a means of dealing with human conflict.

We are pleased to be offered the opportunity to put forward our comments relating to the proposed National Human Rights Action Plan for Australia which was foreshadowed as one of the key actions in the Human Rights Framework which was adopted by the Australian Government in lieu of a national Human Rights Act in 2010.

We thank you for providing a Background paper which sets out the context in which this Action Plan is being developed, as well as detailing some of the United Nations specific purposes that such a National Human Rights Action Plan will seek to address.

WILPF is pleased to see increased Australian Government commitment to human rights with the introduction of the Human Rights Framework and has been pleased to participate in the NGO Human Rights Forums.
WILPF has recently received a copy of the *draft Report of the Working Group of the Universal Periodic Review – Australia (copy attached)*, which recently convened in Geneva to review Australia’s compliance with human rights. We note that this Report concludes with many Recommendations to improve Australia’s human rights compliance record. We trust that all these Recommendations will be given serious consideration in the development and implementation (which will require the necessary resources) to address the identified shortcomings.

**Development of the Action Plan**

We are pleased that the Australian Action Plan will follow the guidelines outlined in the UN *Handbook on National Human Rights Plans of Action* while being developed to specifically meet Australian human rights needs. We note that the Handbook specifically calls for National Action Plans to be ‘action oriented’ with achievable targets to reach set objectives and we hope to see such tangible targets developed.

We are concerned that the *Background Paper* suggests “a discrete number of achievable targeted initiatives”. This may be insufficient to address the many recommendations outlined in the Universal Periodic Review Report. It may be necessary, rather than ignore many human rights remedies, to prioritise them by including them in staged actions for a specific year, especially if they are to adequately cover “a comprehensive approach ....” as also proposed in the Background Paper.

It is hoped that some of the excellent research and comments put forward in the 2009 *National Human Rights Consultation (Brennan Report)* will be able to be fed into both the Baseline Study and flow on into this new National Action Plan.

With the benefit of access to other countries’ National Action Plans, such as New Zealand and Sweden, we hope that the political will, genuine commitment to human rights, alongside the Australian population’s call (82% in favour of a Bill of Rights as reported in the Brennan Report) will result in this National Action Plan reaching “best practice” and something that all Australians can be proud of.

**Quality consultation involving NGOs and government agencies**

WILPF believes that the best results will always be achieved when government and other key agencies work in partnership through genuine dialogue to develop a worthy National Action Plan. We look forward to the opportunity to be involved in this process.

**Baseline Study**

We are pleased that such a study is being proposed which will give a strong footing on where Australia is now and what the next stages to be achieved are. This provides the opportunity to thoroughly assess Australia’s current compliance with our international human rights obligations.
Again, the information contained in the Brennan Report, the Universal Periodic Review as well as information from those States which have now introduced their own Human Rights Bills (ACT, Victoria and soon Tasmania) will provide useful baseline data for this Study.

There is no mention of how the Baseline Study will connect with the National Action Plan. Are we to assume that the baseline study will form the rationale for the National Action Plan thus linking them cohesively together? We also wonder if the timeline for the completion of a Baseline Study by April 2011 will allow sufficient time to compile all the necessary information.

A comprehensive approach covering all categories of human rights standards

The Australian Government’s commitment to include the full range of human rights in the National Action Plan is to be applauded.

There seems however, to have been less attention paid to economic, social and cultural rights in some instances particularly in areas such as indigenous people, single parents and other marginalized groups.

The Northern Territory Emergency Response Intervention also falls within the rights under CERD resulting in the CERD Committee criticising the Intervention. In light of the impact of this Intervention it is salient to include these categories. This then, is likely to make the National Action Plan a lengthy document if it covers all categories addressing not only the Intervention, but also the entrenched disadvantage that indigenous and other marginalized and vulnerable Australians have endured for considerable time.

Goals, Objectives, activities, performance indicators, targets and benchmarks

WILPF understands that the above categories are common requirements for any National Action Plan and expect them to be included to fully outline what steps will now be taken to address the recommendations in the UPR Report. This National Action Plan should complement the proposed consolidation of the discrimination legislation.

Governance

While we accept that the Australian Government has the legal responsibility for the outcomes of the National Action Plan and will seek advice from the various States on what has been done to improve human rights under their jurisdiction, WILPF respectfully suggests that such an important Plan would benefit from inclusion at the management level of some key NGOs, several human rights experts and, most essentially, the Australian Human Rights Commission as well as the Parliamentary Human Rights Committee.

Key Dates
It would indeed be wonderful to have a launch of the National Action Plan on Human Rights Day in December, however if this is to be a truly meaningful document of real substance, then we cannot see how this can be achieved in such a tight timeframe. We trust that more focus will be put on the intrinsic worth of the document, which must include a budgetary commitment to provide the requisite resources to fully implement the Plan, rather than just the symbolism of launching it on Human Rights Day.

WILPF has put forward our response to the Background Paper in a spirit of goodwill and desire to see the best possible Action Plan developed.

We are pleased to have been offered the opportunity to provide input into the development of this National Action Plan and we look forward to ongoing consultation at the coming NGO Forum.

This submission was prepared by Ruth Russell for Women’s International League for Peace & Freedom on behalf of the Australian Section.