



Human Rights Watch Submission to the Department of Foreign Affairs and Trade Foreign Policy White Paper

Strengthening Human Rights in Australia's Foreign Policy

February 28, 2017

As the Department of Foreign Affairs and Trade (DFAT) prepares its third foreign policy white paper, the world faces tumultuous times. Tens of millions of people are fleeing war, discrimination, oppression and violence. Extremist attacks, long regular occurrences in Kabul and Baghdad, are becoming frequent in Western capitals too. Terrorism sows apprehension and fear. Some are uneasy with societies that have become more ethnically, religiously, and racially diverse. There is an increasing sense that governments and the elite ignore public concerns. In Australia, and countries the world over, many people feel left behind by technological change, the global economy, and growing inequality.

In this cauldron of discontent, a certain breed of politician is flourishing by portraying rights as protecting only the terrorist suspect or the asylum seeker at the expense of the safety, economic welfare, and cultural preferences of the presumed majority. Some politicians are gaining ground with populist xenophobic policies. They scapegoat refugees, immigrant communities, and minorities. Truth is a frequent casualty. Nativism, xenophobia, racism, Islamophobia, and misogyny are on the rise.

In such troubled times, some populist politicians are trying to dismantle human rights protections, by suggesting “human rights” only applies rights to “other” people such as the rights of refugees, migrants or minorities. Some governments are openly hostile to human rights altogether. But in these difficult times, it is even more important that Australia recommit to human rights principles as a fundamental part of its foreign policy. Australia needs to be prepared to defend basic principles of international law, whether at the United Nations or in its bilateral relations with other countries.

Australia should do this not just because “it is the right thing to do,” but because the country’s long-term economic and security interests are best served in a region that respects rights and the rule of law. Australia should use this white paper as an opportunity to recommit to human rights principles and set out clear strategies to protect human rights around the world.

Here are seven areas to improve human rights in Australia’s foreign policy:

1. DFAT Should Issue a Public Strategy Document on Human Rights

DFAT needs a public policy document on human rights that is updated regularly setting out DFAT's vision and goals on human rights, targeting particular countries and issues for action, and giving guidance to embassies on effective strategies to advance human rights. It seems absurd that DFAT has a sports diplomacy strategy for 2015-2018¹, but no human rights strategy document. Australia is running for a seat on the UN Human Rights Council, and as part of its candidacy it will make voluntary pledges and commitments on human rights. Those pledges and commitments can help form the basis of a public strategy document on human rights.

2. Annual Reporting on Human Rights

DFAT should issue an annual public report on human rights concerns in specific countries. Countries such as Sweden², the United Kingdom³, and United States⁴ already do this. Such reports demonstrate to the governments concerned that Australia is closely monitoring human rights developments, and set a logical and consistent agenda of issues for diplomats and visiting delegations to raise. Public reports are good for transparency and serve to inform the Australian public about human rights concerns abroad. Annual reporting would help produce a more consistent, coherent approach to human rights around the world, train young diplomats about the importance of human rights issues, and send a strong signal to embassies about the value of human rights in diplomacy.

3. Engage in Public as well as Private Diplomacy on Human Rights

As part of its annual report, DFAT should regularly assess the effectiveness of its “quiet diplomacy” strategy, which favors private over public messaging on human rights. Australia is often unwilling to publicly raise serious human rights concerns with its regional neighbors. The Australian government's view is that if human rights are to be raised, they are to be raised privately, either behind closed doors or, in the case of China, Laos, and Vietnam, during Australia's formal bilateral human rights dialogues with those countries. Human rights issues have been effectively removed from Australia's public, diplomatic efforts on China, and even from high-level meetings with Chinese officials. While visiting China in April 2014, then-Prime Minister Tony Abbott shared his view that human rights are “not normally matters for discussion between prime ministers and premiers or between prime ministers and presidents.”

¹ Department of Foreign Affairs and Trade, Australian Government, “Australian Sports Diplomacy Strategy 2015-18,” 24 June 2015, <http://dfat.gov.au/about-us/publications/Pages/australian-sports-diplomacy-strategy-2015-18.aspx> (accessed February 24, 2017).

² The Swedish Government, “Manskliga Rattigheter - regeringens webbplats om manskliga rattigheter (Human Rights – Government's Human Rights Website),” undated, <http://www.manskligarattigheter.se/en> (accessed February 24, 2017).

³ Foreign & Commonwealth Office, U.K. Government, “Human Rights and Democracy Reports,” undated, <https://www.gov.uk/government/collections/human-rights-and-democracy-reports> (accessed February 24, 2017).

⁴ Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Human Rights Reports,” undated, <http://www.state.gov/j/drl/rls/hrrpt/> (accessed February 24, 2017).

Experience shows that raising human rights issues privately is rarely effective if not paired with public pressure. The latter is critical to building the momentum for change and in supporting domestic civil society organisations promoting human rights. Public pressure is also important to ensure that private discussions are not used to shield violations from international scrutiny.

4. Working to End the Death Penalty in Asia

DFAT should develop a detailed strategy to end the use of the death penalty in Asia. This is in line with recommendations from the parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade, which called on DFAT to coordinate “a whole-of-government strategy for the abolition of the death penalty which has as its focus, countries of the Indo-Pacific and the United States of America.”⁵ A public report, measuring progress would be a valuable contribution, especially at a time when the death penalty is having a resurgence in the Asia region.

5. Vetting of Foreign Officials and Security Forces Receiving Australian Assistance

DFAT should introduce a stronger system for vetting foreign officials and security forces of governments receiving Australian security assistance. Those implicated in serious abuses should be denied visits or training in Australia. Foreign relations necessitates exchanges with unsavoury individuals, but Australia should be careful not to send the wrong message by rolling out the red carpet and appearing indifferent to the abuses of foreign officials. Last year, visits by Ethiopian and Cambodian delegations to Australia have included officials with troubling rights records. When meeting officials from countries with poor human rights records, the Australian government should raise their concerns both publicly and privately.

6. Making Existing Dialogues More Effective

DFAT should make its regular regional human rights dialogues with China, Laos, and Vietnam more effective by increasing transparency, civil society participation, and setting clear benchmarks for improvements on rights. The impact of these dialogues has already been the subject of a parliamentary inquiry.⁶ The current “closed door” discussions could have real benefit if civil society groups in-country and victims of abuses were able to contribute to the discussions and know what was discussed. Visiting Australian delegations should request to visit political prisoners, speak to families of such prisoners, and following the dialogue, issue a detailed public statement outlining issues of concern and commitments agreed to.

⁵ Parliament of Australia Human Rights Sub-Committee, “A world without the death penalty,” May 5, 2016, http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Death_Penalty/Report (accessed February 24, 2017).

⁶ Parliament of Australia, Joint Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into Australia’s Human Rights Dialogues with China and Vietnam, “More than just talk,” August 20, 2012, http://www.aph.gov.au/parliamentary_Business/Committees/House_of_Representatives_Committees?url=jfadt/hrdialoguechinavi-etnam/report.htm (accessed February 24, 2017).

7. Engage with the UN and Take Steps to Improve Australia's Own Human Rights Record

Australia will be in a far stronger position to promote respect for human rights in other countries in the region if it forthrightly addresses its own human rights problems.

In recent years' Australian policies have contributed to the erosion of international standards on refugee protection in the Asia-Pacific region. This is through its efforts to outsource its international obligations to asylum seekers and refugees to much poorer, less-equipped and unsafe countries such as Cambodia, Nauru, and Papua New Guinea, as well as by Australia engaging in unilateral measures such as towing asylum-seeker boats back to sea.

Australia's credibility as a human rights leader has been seriously damaged by its treatment of refugees and asylum seekers, especially those who are offshore. More than three years since the Australian government reintroduced this policy, at least 2000 people have been stuck in legal limbo on Manus, Papua New Guinea and on Nauru—hundreds on Nauru still live in moldy tents. More than 800 on Manus remain in a gated and guarded processing center on a naval base despite a domestic court ruling that their detention is illegal.⁷

Instead of forcibly moving people offshore, Australia should do its fair share to respect the right to seek asylum, while cleaning up its act with respect to asylum seekers arriving by boat. DFAT should work with its Asia-Pacific neighbors for a regional solution that protects the rights of migrants, asylum seekers, and refugees so that people can find safety in transit countries, and are able to earn a living, enable their children to attend school, and live free from detention while awaiting resettlement to third countries, including Australia. And offshore processing needs to be dismantled once and for all.

Until that happens, immigration policy will continue to hijack Australia's foreign policy. And Australia will feel compelled to remain silent in the face of serious human rights abuses occurring in countries with whom it cooperates on immigration matters. For instance, according to Sri Lankan Prime Minister Ranil Wickremesinghe, the Australian government's silence on rights abuses was the price it paid to secure cooperation from the previous Rajapaksa government on stopping asylum-seeker boats.⁸

⁷ Eric Tlozek and Stephanie Anderson, "PNG's Supreme Court rules detention of asylum seekers on Manus Island is illegal," *ABC*, April 27, 2016, <http://www.abc.net.au/news/2016-04-26/png-court-rules-asylum-seeker-detention-manus-island-illegal/7360078> (accessed February 24, 2017).

⁸ Amanda Hodge, "Sri Lanka abuse silence 'price of boats deal'," *The Australian*, February 23, 2015, <http://www.theaustralian.com.au/national-affairs/foreign-affairs/sri-lanka-abuse-silence-price-of-boats-deal/news-story/0923f361c0e0ef3f41360c05e0fod60> (accessed February 24, 2017).

Conclusion

Australia should not construe what is in the “national interest” too narrowly. Focusing primarily on trade and security will bring only limited, short-term benefits to Australia. Australians will be best served over the long term in a region where democracy, rule of law and human rights flourish. But to make this happen, the government should champion international human rights norms and standards both at home and abroad. Regular public reporting on human rights conditions in other countries will send a strong signal about the importance of human rights in Australia's foreign policy. As human rights are under assault in many places around the world, a vigorous reaffirmation and defense of basic values underpinning these rights will be crucial. The Australian government should regularly and consistently uphold basic human rights principles and be willing to show human rights leadership, both at the UN and other international forums and in its bilateral relations with other countries.