

HRC Pledging Event – ISHR-Collated Questions

Australia-specific questions

1. **CHRI @CHRI_INT** Sep 11

How will #Australia support #SmallStates in building capacity for effective engagement with the @UN_HRC? #HRCpledging

Australia will be the first country from the Pacific region to sit on the Human Rights Council. We will bring a unique Indo-Pacific perspective to the work of the Council and ensure the voices of our Pacific neighbours and other small states are heard. Australia will continue to support universal participation in the HRC, including through our commitment as the largest and longest-standing donor to the voluntary trust fund for the participation of least developed countries and small island developing states in the work of the HRC. Australia also provides funding for the Commonwealth's Small States Offices in New York and Geneva.

2. **Ruth Barson @RuthHRLC** Sep 11

#HRCpledging Australia still holds children in solitary confinement. How will detention policy change to be consistent w human rights law?

Australia strongly supports the human rights of children and is a signatory to the Convention on the Rights of the Child. Under Australia's federal system of government, State and Territory Governments provide a range of health care services to individuals within their prison systems, and have implemented various policies and strategies to assist juvenile offenders. These include alternative behaviour management techniques to ensure that the use of force, isolation and restraint is a last resort and all reasonable steps are taken to avoid their use. The goal is to ensure the safety of everyone concerned and to help the young person to regain control of his or her behaviour as quickly as possible.

3. **HumanRightsLawCentre @rightsagenda** Sep 11

#HRCpledging How will Australia use its membership to expand the role of civil society in the Council, at nat regional & international level?

Australia is a leading advocate for the role of civil society in the Human Rights Council. As a member of the HRC, we will continue our advocacy for civil society and National Human Rights Institutions to be able to participate in UN processes.

We will continue to engage with civil society and consider its views in our work on human rights, including through our annual human rights forum in Canberra with non-government organisations. Our mission in Geneva also conducts an annual civil society roundtable to seek views on the Human Rights Council's agenda for the coming year and participates actively in civil society consultations, together with other countries in the Western European and Other States Group, prior to each HRC session. We will promote regional and global strengthening of civil society, especially in the Indo-Pacific region.

4. **Tom Clarke @TomHRLC** Sep 11
#HRCpledging | How does Australia hope to encourage other countries to heed UN rulings when it so often ignores them?

Australia engages robustly with the United Nations human rights system and we do not shy away from consideration of our own record. We are transparent, accountable and willing to work with global partners. We cooperate fully with the Office of the High Commissioner for Human Rights and the Human Rights Council and its mechanisms, as demonstrated by our standing invitation to special procedure mandate holders and our hosting of five special rapporteurs in 2016-17.

This year, Australia has appeared before the Committee on Economic, Social and Cultural Rights and the Human Rights Committee (which reviewed Australia's implementation of the provisions of the International Covenant on Civil and Political Rights) and we will soon appear before the Committee on the Elimination of Racial Discrimination.

No country has a perfect human rights record and Australia takes seriously recommendations and advice received.

5. **Tom Clarke @TomHRLC** Sep 11
#HRCpledging | Freedom of expression? Why is Aus Gov trying to silence environmental advocacy orgs with gag clauses in funding/tax status?

Australia recognises the importance of freedom of political communication and the value of advocacy by not-for-profit organisations. The Australian Government is not seeking to 'gag' environmental organisations and does not use 'gag' clauses in funding contracts with environmental organisations. Similarly, refraining from advocacy is not a requirement for tax benefits. Environmental organisations can advocate for issues relevant to their work without concern of losing their tax status.

6. **HumanRightsLawCentre @rightsagenda** Sep 11
#HRCpledging How will Australia use its Council membership to be a more consistent & principled player on country situations of concern?

Australia demonstrated its principled, pragmatic and constructive approach during our term on the UN Security Council (2013-14) and we look forward to doing so again as a member of the Human Rights Council.

While recognising every country has room to improve its human rights record, tolerance of, acquiescence to, or the commission of gross and systemic violations of human rights is always reprehensible, and such behaviour should not be accepted or condoned by members of the HRC. This principle will guide Australia's approach to matters before the Human Rights Council. We will consider all matters on a case-by-case basis.

Australia engages robustly in the Universal Periodic Review process and makes statements on all countries under review. Australia regularly raises human rights concerns we may have with other countries, both bilaterally and through multilateral organisations.

7. **HumanRightsLawCentre @rightsagenda Sep 11**
#HRCpledging What policy changes will Australia make to ensure its treatment of people seeking asylum is consistent with international law?

Tom Clarke @TomHRLC Sep 10
#HRCpledging | Various UN bodies have found Australia's treatment of people seeking asylum violates int law, why wont Gov acknowledge this?

Australia has long embraced those fleeing conflict and persecution and those in need of humanitarian support. Australia is one of the most generous and compassionate resettlement countries, having consistently ranked as one of the world's top-three providers of permanent resettlement places for refugees. Australia has resettled more than 865,000 refugees since the end of World War II.

The Australian Government is committed to our international legal obligations, including international *non-refoulement* obligations under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol, and other human rights conventions.

Australia's immigration and border protection policies are open to scrutiny. The Australian Government recognises the important and positive role of scrutiny bodies in providing independent oversight of Australia's immigration system, including:

- the Commonwealth Ombudsman;
- the Australian Human Rights Commission;
- the Office of the UNHCR; and
- the Australian Red Cross.

8. **HumanRightsLawCentre @rightsagenda Sep 11**
#HRCpledging Given Australia's opposition to death penalty what steps to ensure Police dont share info resulting in death sentence overseas?

Police-to-police assistance in potential death penalty matters occurs in accordance with the Australian Federal Police National Guideline on International Police-to-Police Assistance in Potential Death Penalty Situations. The AFP is required to consider relevant factors before providing information to foreign law enforcement agencies if the provision of information is likely to result in the prosecution of an identified person for an offence carrying the death penalty.

9. **HumanRightsLawCentre @rightsagenda Sep 11**
#HRCpledging | Australia has pledged strong support for #NHRIs. Will it reverse significant funding cuts made to @AusHumanRights Commission?

The Australian Government recognises the important role the Australian Human Rights Commission plays in promoting and protecting human rights in Australia. In a tight fiscal environment, savings have been required from all Australian government agencies. The Australian Government is confident the Commission is appropriately resourced to undertake its functions.

10. **ChildRightsAustralia** @ChildRightsAust Aug 31

When will Australia ratify the OP-CRC-IC #OP3 to permit individual communications to the #CRC? #ratifyop3 #HRCpledging @rightsagenda #auspol

Australia is deeply committed to the Convention on the Rights of the Child and advocates strongly in favour of children's rights in UN forums. At this time, Australia does not intend to become a party to the Third Optional Protocol to the Convention on the Rights of the Child. We consider our laws and policies are generally consistent with the Protocol's obligations.

General Questions

1. **ISHR** @ISHRglobal Sep 11

What will the #HRC candidate States do to promote human rights? #HRCpledging #HRC #ISHR

During our term on the Human Rights Council, Australia will prioritise five key areas: empowering women and girls to reach their full potential; supporting freedom of expression, good governance and strong democratic institutions; promoting strong, independent national human rights institutions; and advancing the human rights of indigenous peoples. These were the five pillars of our campaign for election to the Human Rights Council and they are areas where we believe we can make a difference. In addition to these five pillars, Australia will continue its longstanding advocacy in favour of the abolition of the death penalty and we will promote freedom of religion or belief, the rights of persons with a disability and the rights of LGBTI individuals. In addition to these priority areas, Australia will continue its work on a range of other human rights issues.

Australia's full set of voluntary pledges are available [here](#).

2. **ISHR** @ISHRglobal Sep 11

#Germany asks: how would you make use of your membership to deepen the relationship between human rights and peace & security? #HRCpledging

Human rights, security, peace and prosperity go hand-in-hand. Australia delivered concrete outcomes which advanced human rights, peace and security during our UN Security Council term, including in relation to Syria. We will continue these efforts as a member of the Human Rights Council, recognising that serious and escalating human rights abuses are often an early warning that a country is unstable and heading towards either internal turmoil or conflict with a neighbour.

3. **ISHR** @ISHRglobal Sep 11

#US asks whether participation in this forum should be mandatory #HRCpledging

Australia will continue to encourage candidate countries to participate in Human Rights Council pledging events, which we see as valuable forums promoting transparency. We note that 15 of the 16 candidates seeking election to the HRC in 2017 participated in at least one event (held in Geneva and New York). We would note that participation in a wide range of events may be more difficult for countries with constrained capacity.

4. **John Fisher** @JohnFisher_hrwr Sep 11
#HRC has mandate to address “gross & systematic human rights violations”. What will candidates do to fulfil this mandate? #HRCpledging

There is no room for tolerance of, acquiescence to, or the commission of gross and systemic violations. Such behaviour must not be accepted or condoned by any member of the Human Rights Council. Australia is a strong and active advocate on Responsibility to Protect (R2P), including as part of the core group in New York.

5. **John Fisher** @JohnFisher_hrwr Sep 11
Will candidates commit to applying objective criteria for addressing country situations, in accord with Irish-led joint statement? #HRCpledging

Australia brings a principled and outcome-focused approach to the Human Rights Council, with the primary aim of promoting and protecting human rights – no matter the country under consideration. Australia will consider proposals to progress effective and meaningful reform to the HRC, including on this issue.

6. **CHRI** @CHRI_INT Sep 11
How do member states reconcile their political affiliations to ideological blocs with the responsibility towards the Council? #HRCpledging

Australia takes a pragmatic, principled and constructive approach to the work of the UN and the Human Rights Council. Our primary aim is to promote and protect human rights. Australia considers all issues before the HRC on a case-by-case basis. We aim to positively influence our counterparts and serve as a bridge-builder – our Indo-Pacific outlook and our strong multicultural tradition give us a unique perspective. We will work with our international partners and raise our concerns with countries whenever needed.

7. **GlobalJusticeCenter** @GlobalJusticeC Sep 11
#HRCpledging: How are candidates implementing the #WomenPeaceSecurity agenda?
@ngowgwps @ISHRglobal

The Women, Peace and Security Agenda was a priority for Australia when it served on the UN Security Council in 2013-14 and it remains a priority today. We integrate women, peace and security principles into our diplomacy and our development program, particularly in fragile and conflict-affected countries. Australia is the biggest donor to the Women’s, Peace and Humanitarian Fund. Outside UN processes, Australia promotes women, peace and security issues through other forums and initiatives. For example, Australia is a champion of the UK-led Preventing Sexual Violence in Conflict Initiative. Australia is also a founding member of the Women, Peace and Security Focal Point Network.

Australia implements its commitment to this agenda through our National Action Plan on Women, Peace and Security 2012-2018. The National Action Plan is a whole-of-government policy that establishes a coordinated approach to integrate a gender perspective into Australia’s peace and security efforts. It identifies strategies and actions that Australia will undertake, both domestically and overseas, to implement UNSCR 1325 and related resolutions, and measure the effectiveness of this work over a six-year period (2012-2018). We work closely with civil society in our implementation efforts.

8. **John Fisher** @JohnFisher_hrw Sep 11

At #HRC35, 48 States joined Dutch-led statement pledging to enhance HRC participation. Will candidates support these pledges? #HRCpledging

Australia is one of the 48 States that signed up to the Joint Statement on reform of the Human Rights Council led by the Netherlands. Australia's Minister for Foreign Affairs, the Hon. Julie Bishop MP, attended an event on HRC reform in the sidelines of UNGA Leaders Week in September 2017 and reaffirmed Australia's commitment to HRC reform in Australia's National Statement to the UN General Assembly.

We will work with partners to progress effective and meaningful reform to make the HRC more effective, so that its work can make a meaningful difference to the lives of individuals around the world.

9. **Luc Dockendorf** @LucDockendorf Sep 11

Who's ready to consider the @UNHumanRights High Commissioner's proposal to exclude egregious #HumanRights violators from HRC? #HRCpledging

Fifth, I encourage the President, and Member States, to develop a stronger, more unified voice in world affairs on behalf of human rights. I also suggest consideration be given to the need to exclude from this body States involved in the most egregious violations of human rights.

The Netherlands-led Joint Statement on Human Rights Council reform, which Australia joined at HRC35 in June 2017, includes recommendations designed to address concerns over membership of the Human Rights Council. This includes striving to ensure that elections for membership of the HRC are competitive. The Joint Statement also includes a pledge to vote for candidates for the HRC in line with the considerations outlined in GA resolution 60/251, including the degree to which candidates are cooperating with the HRC and its mechanisms.