



Australian Government

Attorney-General's Department

A new National Human Rights Action Plan for Australia

Background paper

PURPOSE

This paper outlines the proposed approach to develop a new **National Human Rights Action Plan**. It also details how you can get involved.

INTRODUCTION

In 2010, the Australian Government released *Australia's Human Rights Framework*. The Framework is based on the principles of education, engagement, protection and respect, and reaffirms the Government's commitment to protecting human rights. Under the Framework, the Government is investing heavily in human rights education. It is bringing forward legislative reforms to harmonise existing anti-discrimination laws. The Government is also introducing parliamentary scrutiny of Bills to ensure they are consistent with Australia's human rights obligations.

The Government is leading the development of a new National Human Rights Action Plan. This was a key announcement of *Australia's Human Rights Framework*. The action plan is a feature of the 'engagement' principle in the Framework. It will be developed over the next year in consultation with States and Territories and non-government organisations (NGOs).

WHY DO WE NEED AN ACTION PLAN?

A new action plan will demonstrate Australia's on-going commitment to our international human rights obligations. It will allow us to systematically consider our strengths and address our shortcomings in human rights observance. In doing so, it will improve both the promotion and protection of human rights in Australia. A comprehensive assessment of human rights needs in Australia, which is then translated into specific goals and practical actions, will ensure continued high-level commitment to improving human rights across governments. It will help engage all relevant sectors of our society in our human rights agenda.

The United Nations has outlined more specific purposes that can be achieved by an action plan. These include:

- providing guidance to government officials, NGOs, professional groups, educators and other members of civil society regarding the tasks that need to be accomplished to ensure that human rights are effectively observed
- promoting the ratification of international human rights treaties
- promoting wider awareness of the state of human rights observance, and
- developing programs directed towards alleviating the human rights situations of vulnerable groups in society.

An action plan would not only provide a public commitment of Australia's intended actions, but also provide an example to other countries to achieve higher standards of human rights.

HISTORY OF ACTION PLANS

At the 1993 World Conference on Human Rights, Australia proposed the adoption of national human rights action plans. Australia wanted to encourage all nations to pursue better human rights observance. Australia realised that lasting improvements in human rights ultimately depend on the government and people of a particular country deciding to take action to bring about positive change. The Conference adopted the Vienna Declaration and Programme of Action, which was agreed by all participating governments. A key recommendation emerging from the Conference was that:

'...each State consider the desirability of drawing up a national action plan identifying steps whereby that state would improve the promotion and protection of human rights.'

While this recommendation is not binding, it is persuasive. The World Conference on Human Rights was a significant occasion and its recommendations were unanimously supported. Australia sought to lead by example. In 1994, Australia was the first country to develop a National Human Rights Action Plan. Australia's Plan was last updated in 2004.

Over time, action plans have gained greater status internationally. Although they are still voluntary, the Human Rights Council now refers to action plans in its Universal Periodic Review process, as do various treaty bodies. Twenty-nine countries have now developed their own human rights action plans.

HOW WE WILL DEVELOP THE ACTION PLAN

Development of the action plan will be guided by the United Nations publication *Handbook on National Human Rights Plans of Action* (www.ohchr.org/Documents/Publications/training10en.pdf). There is no single model for how an action plan should look. Instead, shaping an action plan that works for Australians can only be achieved through a rigorous process of consultation and debate. The United Nations Handbook indicates a number of components that underpin a good national action plan, including:

- quality consultation involving NGOs and government agencies
- a baseline study
- a comprehensive approach embracing human rights standards, including civil, political, economic, social and cultural rights
- goals, objectives, activities, performance indicators, targets and benchmarks
- management structures and responsibilities, and
- monitoring processes, including timeframes.

The Handbook also indicates that plans should be ‘action-oriented’. They should set achievable targets and propose realistic activities aimed at reaching these objectives, rather than setting forth claims and vague promises.

As the action plan develops and your feedback is considered, areas where meaningful action can be taken will become clearer. At the same time, the action plan will need to take into account the detailed legislative and other arrangements Australia already has in place to protect human rights and improve social inclusion. The Department believes that there is little utility in a plan that tries to reformulate or duplicate the objectives and monitoring arrangements for all those programs across Australia.

There is a need to strike a balance between ensuring the action plan is sufficiently comprehensive, but also adds meaningfully to work that is already underway. While the consultation process will guide the plan’s final form and content, it should focus on a discrete number of achievable targeted initiatives.

In Australia’s case, it is important that the action plan builds on, rather than duplicates, work undertaken as part of the 2009 *National Human Rights Consultation*. It was the most extensive consultation on human rights issues in Australia’s history and 35,000 submissions were received during the process. Sixty-six community roundtables and public hearings were held across more than 50 urban, regional and remote locations. A number of research reports were commissioned to supplement the public consultations. In particular, Colmar Brunton prepared reports gauging public awareness and interest in human rights. The work of the consultation will also be relevant to the baseline study prepared to inform the new plan.

We will also reflect upon the strengths and weaknesses of other action plans. Australia has prepared them in the past. There are lessons to be learned from the experience of developing action plans to reduce violence against women and children and improve social inclusion. Other countries have developed plans that can be drawn on, particularly New Zealand and Sweden. Those two countries have developed human rights action plans considered ‘best practice’.¹

Other countries’ action plans provide examples of the kind of measures we could contemplate. They include anti-discrimination strategies, measures to assist vulnerable groups and processes for considering whether further international conventions and protocols that concern human rights can be signed and ratified.

¹ New Zealand’s Plan can be accessed at: www.hrc.co.nz/report/actionplan/0foreword.html and Sweden’s Plan can be accessed at: www.sweden.gov.se/sb/d/574/a/83474.

THE BASELINE STUDY

A report will be developed on the status of human rights in Australia. The United Nations calls this a baseline study. The baseline study is used to guide the prioritisation of Government actions across jurisdictions to better protect and promote human rights. The United Nations Handbook emphasises that countries should find a commonsense solution to preparing the study so that it does not delay development of the action plan.

Accordingly, the Attorney-General's Department proposes that the baseline study include:

- Australia's engagement with relevant human rights treaties and United Nations reporting mechanisms
- Australia's domestic institutional and legislative architecture for human rights protection
- information on the status of priority vulnerable groups identified during the National Human Rights Consultation
- information on key human rights issues raised by United Nations committees, and
- a snapshot of attitudes to, and knowledge of, human rights in Australia.

There is a range of material that can be drawn on in compiling the baseline study (and in identifying priorities for the action plan). These include Parliamentary inquiries and papers and reports prepared by the Australian Human Rights Commission. The Australian Bureau of Statistics and other statistical institutions collect and maintain a range of data sets on the status of vulnerable groups that can also be drawn upon.

GOVERNANCE

The Commonwealth Attorney-General will oversee the project. A committee of senior officials from all relevant Australian Government departments will steer the project.

Secretariat functions will be managed by the Commonwealth Attorney-General's Department. The Secretariat will manage preparation of the baseline study.

Recognising that Australia has a federal system of government, State and Territory governments will be asked to contribute details of actions they will be taking to improve human rights in their jurisdictions.

NGOs and members of the public can provide written submissions during all phases of the project. NGOs will also have an opportunity to contribute to the action plan at the 2nd NGO Forum to be hosted by the Attorney-General and the Minister for Foreign Affairs in July 2011.

KEY DATES

Action	Date
Comments on Background Paper due	February 2011
Draft Action Plan and Baseline Study released	April 2011
Attorney-General/Minister for Foreign Affairs NGO Forum	May/June 2011
Public comments on draft Action Plan and Baseline Study due	August 2011
Release of final Action Plan and Baseline Study	December 2011

NEXT STEPS

The Attorney-General's Department would like to know what you think about the approach and process in this paper. The Department would also be interested in any initial views on potential actions for inclusion in the National Human Rights Action Plan.

The Department would also like to know if you would like to be included on our mailing list.

You can email the Secretariat at nhrap@ag.gov.au.

Hard copy submissions are also welcome. Address your submission to:

*The Secretariat
National Human Rights Action Plan
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600*

In the meantime, the Department will begin developing a draft of the baseline study. The Department will also begin working with the States and Territories on the structure and draft content for the action plan.

NGOs are encouraged to start preparing early for the more detailed consultation process on the exposure draft of the action plan. The Department wants to hear your practical ideas to improve human rights.

MORE DETAILS

Please visit www.ag.gov.au/nhrap for more information.