



AUSTRALIA

UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2023



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Responsibility to Protect

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The following Updated Assessment Annex provides an overview of Australia's efforts in implementing R2P as of 2023. The full methodology used in this study can be found in Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

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Australia continues to be recognized globally as a leading international advocate of R2P. The country remains a vocal advocate of R2P in the UN General Assembly and supported the principle during its term on the Human Rights Council. Australia is one of the principal supporters of civil society organisations and makes a point of emphasising early warning measures in the prevention of atrocity crimes. While its regional engagement remains moderate, it has recently increased its engagement with Pacific and Southeast Asian countries through development partnerships and bilateral initiatives. Regarding peacekeeping, Australia remains committed to the protection of civilians on operations, although their contribution remains small. Their capacity for peacekeeper training however, including foreign peacekeepers from Asia and the Pacific, remains robust.

Revelations of war crimes and other human rights abuses reportedly committed by Australian special forces during deployment to Afghanistan has created a pall over an otherwise stellar record of an effective and accountable security sector. The ramifications of these accusations are still being determined at the time of writing, yet Australia's willingness to prosecute those responsible is seen as a good sign of continuing accountability for atrocity crimes.

Domestically, Australia remains a stable and democratic state that has a relatively strong civil society sector with no significant atrocity crime risks. The main human rights issues concern those of refugees and asylum seekers and the status of First Nations people within the country. Australia's policy of mandatory detention for asylum seekers is considered to be both contrary to its legal obligations under international refugee and human rights law and harmful to people fleeing atrocity crimes and the risk of atrocity crimes. It continues to be a policy inconsistent with Australia's responsibility to protect.

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Assessment	Indicator
Very Strong	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Appoint national R2P Focal Point
	Sign, ratify and implement relevant instruments of international law
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect and active, diverse and robust civil society
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Participate in international, regional and national discussions on the further advancement of R2P
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support the Kigali Principles
Support UN Security Council veto restraint on issues relating to atrocity prevention	
Strong	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Ensure a legitimate, effective and civilian controlled security sector
	Prevent nationals committing atrocity crimes overseas
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
Fair	Dealing with past atrocities
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Encourage and assist States to fulfil their R2P in situations of emerging or ongoing crisis, such as good offices and preventive diplomacy

	Strengthen regional and international networks for atrocity crime prevention
	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships
	Support preventive actions on atrocity crimes
Weak	Strengthen the role and capacity of regional organisations
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
Very Weak	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Conduct a national assessment of risk and resilience

Australia 2023 Score: 75

Australia 2022 Score: 74

Difference: + 1 

Australia remains a regional leader in the effective implementation of R2P. It retains strong support for the principle at the international level and continues to adequately support prevention efforts regionally. While it maintains broad support for human rights domestically, issues remain regarding asylum seekers and First Nations peoples, that impede otherwise strong structural atrocity prevention efforts.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong Unchanged	Australia's population is effectively protected from atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong Unchanged	Australia continues to have an extremely low risk of atrocity crimes being committed within its borders. A democratic political system, broad acceptance of human rights, and effective and accountable security services have ensured these risks have remained low in recent years and are likely to remain so for the near future.
	Dealing with past atrocities.	Fair Unchanged	<p>Australia continues to grapple with the colonial legacy that still affects its Indigenous population, those being the Aboriginal and Torres Strait Islander peoples (together known as First Nations peoples). They have remained some of the most marginalised groups within Australian society for decades – relative to non-Indigenous peoples – regarding healthcare, education, life expectancy and employment opportunities.¹</p> <p>However, initiatives by successive governments have continued to endeavour to improve the lives of First Nations people in Australia.² The most prominent issue, at the time of writing, is the referendum on changing the constitution to recognise First Nations peoples within Australia taking place later in 2023. Furthermore, the referendum will seek to establish an Indigenous advisory body to the Australian parliament, to advocate for Indigenous issues.³</p> <p>Such an initiative shows Australia coming to terms with its colonial past and aiming to ensure Indigenous and non-Indigenous people within Australia enjoy equal rights and opportunities.</p>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong Unchanged	Australia maintains its national R2P Focal Point.
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Strong Unchanged	<p>Australia continues to monitor issues that could affect its development assistance in the region. While atrocity crime risk and atrocity prevention are not mentioned in its risk assessment tools, other broader issues contributing to structural atrocity prevention are.⁴</p> <p>Australia's Department of Foreign Affairs and Trade (DFAT) maintains a suite of risk assessment tools that account for social, political, and environmental aspects that could pose risks to its development partnerships. Such considerations</p>

¹ Australian Human Rights Commission (AHRC), 2014. *Face the facts: Aboriginal and Torres Strait Islander Peoples*, <https://humanrights.gov.au/our-work/education/face-facts-aboriginal-and-torres-strait-islander-peoples>.

² See for example: Permanent Mission of Australia to the United Nations, 2023. *UN Permanent Forum on Indigenous Issues: Item 4 Discussion on the Six Mandated Areas of the Permanent Forum*, https://unmy.mission.gov.au/unmy/230420_UNPFII_Item_4_Discussion_Six_Mandated_Areas_Permanent_Forum.html.

³ Parliament of Australia, 2023. *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd2223a/23bd080; National Indigenous Australians Agency, 2023. *Referendum on an Aboriginal and Torres Strait Islander Voice*, <https://www.niaa.gov.au/indigenous-affairs/referendum-aboriginal-and-torres-strait-islander-voice>.

⁴ Australian Government Department of Foreign Affairs and Trade (DFAT), n.d. *Development risk management*, <https://www.dfat.gov.au/development/topics/development-risk-management>.

			allow for the incorporation of risks related to atrocity crimes. ⁵
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Fair Unchanged	Australia maintains committees in its upper house of parliament that review actions of the government and provide recommendations. The Senate Standing Committee on Foreign Affairs, Defence and Trade has made inquiries into Australia's relationship to the R2P principle in the past, although not for several years. ⁶
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Strong Unchanged	There is no update for this Indicator. Australia maintains its ratification status for all twelve international human rights laws most relevant to R2P.
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong Unchanged	Australia maintains its ratification of the <i>Rome Statute</i> .
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Strong Decrease from 2019 and 2022	Australia's Human Rights Commission (AHRC) maintains an 'A' rating according to the Global Alliance of National Human Rights Institutions (GANHRI). ⁷ However, this status is pending a review that has been deferred until October 2023. The reasons for the deferral relate primarily to issues of transparent selection and appointment of Commissioners, which GANHRI notes may be open to political interference. ⁸ GANHRI has recommended the AHRC implement changes to ensure transparent appointments before its review in October, otherwise a downgrade to a 'B' rating is likely. To its credit, the AHRC has acknowledged these shortcomings and has endeavoured to change them in time for the deferred review. ⁹
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Strong Unchanged	Australia remains a strong proponent of human rights, and measures to counter discrimination have been put in place at the state and federal levels and are present in several Commonwealth laws. ¹⁰ However, issues remain, particularly around the treatment of asylum seekers and those First Nations peoples within the criminal justice system, that mar an otherwise good record on human rights. ¹¹ In 2022, Australia was subject to the first legal action filed with a UN body against a national government for inaction on climate change. A group of Torres Strait Islanders successfully

⁵ Australian Government DFAT, n.d. *Risk Factors Screening Tool*, <https://www.dfat.gov.au/about-us/publications/risk-factors-screening-tool>.

⁶ Parliament of Australia, 2023. *Senate Standing Committee on Foreign Affairs, Defence and Trade*, 'Completed inquiries and reports', https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/2019-22.

⁷ GANHRI, 2023. *Chart of The Status of National Institutions Accredited by the Global Alliance of National Human Rights Institutions*, p. 2, <https://ganhri.org/wp-content/uploads/2023/05/StatusAccreditationChartNHRIIs.pdf>.

⁸ AHRC, 2022. *3.1 Australia: Australian Human Rights Commission (AHRC)*, p. 1-2, https://humanrights.gov.au/sites/default/files/nhri_australia_no_cover_4.pdf.

⁹ AHRC, 2022. *Statement on international accreditation of the Australian Human Rights Commission*, <https://humanrights.gov.au/about/news/statement-international-accreditation-australian-human-rights-commission>.

¹⁰ For example: Australian Government Attorney-General's Department, n.d. *Human rights protections*, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-protections>.

¹¹ Human Rights Watch (HRW), 2023. *Australia*, <https://www.hrw.org/asia/australia>; Amnesty International, 2023. *Australia 2022*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/australia/report-australia/>. See also: U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Australia*, 'Executive Summary', <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/australia>.



Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.

Very Strong
Unchanged

petitioned the UN Human Rights Committee that the Australian government had violated their rights, due to failing to adequately adapt their low-lying island homes to climate change-induced weather patterns.¹² Australia has since been asked to compensate the Islanders and take further measures to ensure their native lands are protected from the worst of climate change effects.

Australia undertook its third UPR cycle in 2021, where it received 344 recommendations and accepted 177 of them.¹³

It received many recommendations regarding the rights of Indigenous Australians, people with a disability, and the rights of asylum seekers. Australia accepted many of the recommendations regarding Indigenous peoples and those with a disability, making note of its impending referendum and national strategies put in place to ensure the rights of people with disabilities. It also made a series of voluntary pledges and commitments, acknowledging the importance of the UPR process and thanking countries for the recommendations in received.¹⁴

Australia has however received criticism for its ongoing system of detention of asylum seekers and the large number of First Nations peoples held in custody.¹⁵

Importantly, the Australian delegation accepted recommendations to further the cause of atrocity prevention internationally, stating in its response “Australia will continue to advocate at the international level for the prevention of crimes against humanity and mass atrocities more broadly”.¹⁶

Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.

Strong
Decrease from
2022 and 2019

Australia maintains its good relationship with UN Special Procedures, with most mandate holder visits having been reported and finalised.¹⁷

However, a recent planned visit by representatives from the UN Subcommittee on Torture has been terminated, after being suspended for some time. This was due to an unresolved issue with some

¹² Climate Change Litigation Database, 2022. *Daniel Billy and others v Australia (Torres Strait Islanders Petition)*, <http://climatecasechart.com/non-us-case/petition-of-torres-strait-islanders-to-the-united-nations-human-rights-committee-alleging-violations-stemming-from-australias-inaction-on-climate-change/>; United Nations Human Rights Office of the High Commissioner (UNOHCHR), 2022. *Australia violated Torres Strait Islanders’ rights to enjoy culture and family life*, UN Committee finds, <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>.

¹³ UNOHCHR, 2021. *Australia*, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session37/AU/AUSTRALIA.pdf>.

¹⁴ United Nations, Human Rights Council (HRC), Report of the Working Group on the Universal Periodic Review: Australia, 24 March 2021, A/HRC/47/8, p. 27; United Nations, HRC, Report of the Working Group on the Universal Periodic Review: Australia Addendum, 2 June 2021, A/HRC/47/8/Add.1, p. 3, 5-6. See also: Australian Government Attorney-General’s Department, 2021. *Australian Statement – Adoption of the Universal Periodic Review of Australia – 8 July 2021*, <https://www.ag.gov.au/rights-and-protections/publications/universal-periodic-review-australias-adoption-statement-un-human-rights-council-2021>.

¹⁵ HRW, 2021. *Australia Universal Periodic Review Outcome Statement*, <https://www.hrw.org/news/2021/07/08/australia-universal-periodic-review-outcome-statement>.

¹⁶ United Nations, HRC, A/HRC/47/8/Add.1, p. 2.

¹⁷ UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&Lang=en>.

Ensure equal access to justice.	Strong Unchanged	Australian state authorities not granting unrestricted access to UN representatives. ¹⁸ Australia's justice system is based on the common law system originating from Great Britain, and it remains separate from the powers of government, with the right to an independent jury. Concerns over access to justice for vulnerable populations in Australia (such as migrants, the elderly and disadvantaged, and those living in remote communities) endure. Furthermore, recent concerns raised in Australia's UPR have drawn attention to the high numbers of First Nations peoples in Australia's justice system, including children, and the use of mandatory sentencing laws that could lead to arbitrary detention. ¹⁹
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Very Strong Unchanged	The commission and incitement of genocide, war crimes and crimes against humanity remain covered in domestic legislation through the <i>Australian Criminal Code Act 1995</i> . ²⁰
Take measures to counter and prevent violent extremism.	Very Strong Unchanged	Australia continues to hold robust counterterrorism and counter-extremism legislation. Such laws are augmented by the capabilities and efforts of Australia's law enforcement and security agencies at both the state and federal levels. The Australian government has continued to support such efforts with updated plans and strategies to facilitate these efforts. ²¹
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Very Strong Increase from 2022 Unchanged from 2019	Instances of sexual and gender-based violence (SGBV) remains a serious problem within Australia, and the government has classed it as a problem with the same proportions as an epidemic. ²² The most recent national action plan to stop SGBV focuses on four main themes: prevention, early intervention, response, and recovery and healing. ²³ National campaigns, that collaborate with all levels of government and civil society, aim to prevent and stop SGBV in childhood, ²⁴ as well as deal with other aspects of SGBV that many within Australian society do not consider to be harmful. ²⁵
Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Very Weak Unchanged	Despite having a long history of accepting refugees into the country, Australia continues its practice of mandatory detention for refugees and asylum seekers arriving on its shores. While the recent

¹⁸ UNOHCHR, 2023. 'UN torture prevention body terminates visit to Australia, confirms missions to South Africa, Kazakhstan, Madagascar, Croatia, Georgia, Guatemala, Palestine, and the Philippines'. *UNOHCHR*, 20 February. Available at: <https://www.ohchr.org/en/press-releases/2023/02/un-torture-prevention-body-terminates-visit-australia-confirms-missions>; Human Rights Law Centre, 2023. *Australia's credibility on human rights at risk as UN terminates visit to Australia*, <https://www.hrlc.org.au/news/2023/2/21/un-terminates-aus-visit>.

¹⁹ AHRC, 2021. *Australia's Criminal Justice System*, https://humanrights.gov.au/sites/default/files/australias_criminal_justice_system_-_australias_third_upr_2021.pdf.

²⁰ International Criminal Court Project, 2023. *Australia: Domestic Atrocity Crime Legislation*, <https://www.aba-icc.org/country/australia/>.

²¹ See: Australian Government Attorney-General's Department, 2022. *National Counter-Terrorism Plan: 4th Edition 2022*. Available at: <https://www.nationalsecurity.gov.au/what-australia-is-doing-subsite/Files/anzctc-national-counter-terrorism-plan.PDF>; Australian Government Department of Home Affairs, 2022. *Safeguarding Our Community Together: Australia's Counter-Terrorism Strategy 2022*. Available at: <https://www.nationalsecurity.gov.au/what-australia-is-doing-subsite/Files/safeguarding-community-together-ct-strategy-22.pdf>.

²² Australian Government Department of Social Services, 2022. *The National Plan to End Violence against Women and Children 2022-2032*, <https://www.dss.gov.au/ending-violence>.

²³ Ibid.

²⁴ Australian Government, 2023. *The Issue: Disrespect and Violence Against Women*, <https://www.respect.gov.au/the-campaign/the-issue/>.

²⁵ Young Women's Christian Association, 2022. *What is gender-based violence and what does it look like in Australia?*, <https://www.ywca.org.au/news/what-is-gender-based-violence-and-what-does-it-look-like-in-australia/>.

			<p>election of a Labor government may increase the number of annual visas to be allocated, current policies are condemned as a failure by Australia to uphold the rights of those seeking asylum.²⁶</p> <p>As such, the performance of Australia regarding this Indicator remains at odds with its responsibility to protect.</p>
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Unchanged	Due to a negligible risk of atrocity crimes, Australia has yet to conduct a national assessment.
	Cultivate and protect an active, diverse and robust civil society.	Very Strong Increase from 2022 Unchanged from 2019	<p>Australia's civil society sector remains strong, vibrant and very active. Human rights watchdogs report many of Australia's human rights violations relating to the country's treatment of asylum seekers and continued structural discrimination of First Nations peoples.²⁷</p> <p>Recent laws have been passed in several states that carry large fines and prison sentences for those participating in unauthorised protests, particularly regarding Australia's lack of progress on climate change.²⁸ Despite these laws, the freedom of assembly is still largely respected by authorities.</p> <p>There remains concern of the high concentration of media ownership in Australia muzzling independent and investigative reporting. Nine Entertainment and News Corporation, both large conglomerates, control most of Australia's media outlets between them, and this has adversely impacted the health of the public sphere.²⁹ However, Australia rose to 27 out of 180 on the World Press Freedom Index in 2023, a rapid increase from 39 in 2022.³⁰</p>
	Ensure a legitimate, effective and civilian controlled security sector.	Strong Unchanged in 2022 Decrease from 2019	<p>Australia retains a highly effective and well-trained security sector under the control of civilian authorities. Domestically, the Australian Federal Police (AFP) and accompanying state and territory police forces are responsible for domestic security and law and order. The Australian Defence Force (ADF), comprising the Army, Navy, and Air Force, is responsible for exterior security and several regional deployments.³¹ The ADF is also regularly called in to assist with disaster relief efforts both within Australia and its near abroad.³²</p> <p>The reason for the decrease in this Indicator is the revelation of 'credible information' that ADF personnel, namely members of the Special Forces community, committed war crimes during</p>

²⁶ Asylum Seekers Centre, 2022. *Get the facts: How many refugees make Australia their home each year?*, <https://asylumseekerscentre.org.au/australia-refugee-intake/>; Refugee Council of Australia, 2021. *Australia's asylum policies*, 'Current policies and concerns', <https://www.refugeecouncil.org.au/asylum-policies/4/>; Kaldor Centre for International Refugee Law, 2020. *Australia's refugee policy: An overview*, <https://www.kaldorcentre.unsw.edu.au/publication/australias-refugee-policy-overview/>; AHRC, n.d. *1 Asylum seekers and refugees*, <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/asylum-seekers-and-refugees>.

²⁷ HRW, 2023, *Australia*; Amnesty International, 2023. *Australia 2022*; Freedom House, 2023. *Freedom in the World 2022: Australia*, <https://freedomhouse.org/country/australia/freedom-world/2022>.

²⁸ Freedom House, 2023. *Freedom in the World 2022: Australia*, 'E. Associational and Organizational Rights'; McNeill, Sophie, 2023. *Australia's Crackdown on Climate Activists*, <https://www.hrw.org/news/2023/05/30/australias-crackdown-climate-activists>.

²⁹ Reporters Without Borders, 2023. *Australia*, <https://rsf.org/en/country/australia>.

³⁰ Ibid.

³¹ See for example: Australian Government Department of Defence, 2023. *Operations*, <https://www.defence.gov.au/operations>.

³² Griffith University, 2022. *A balancing act: Humanitarian assistance, disaster relief and the ADF*, <https://blogs.griffith.edu.au/asiainsights/a-balancing-act-humanitarian-assistance-disaster-relief-and-the-adf/>.

deployment to Afghanistan between 2005 and 2016.³³ The findings have shocked the ADF, Australia and its closest allies, as well as affected families in Afghanistan.

The findings have since spawned the Office of the Special Investigator, which is pursuing 40 investigations in conjunction with the AFP. This has resulted in the first conviction in Australia of a former ADF soldier for war crimes during deployment to Afghanistan.³⁴ Calls for further action have come after a recent defamation trial found Australian media articles published ‘substantially true’ claims of war crimes committed by a former Special Forces operator and current holder of the Victoria Cross.³⁵

While these actions are incredibly shameful and cast a shadow over the otherwise exemplary actions of the ADF, it should be noted Australia’s response has been positive. The willingness to undergo inquiries and embark upon investigations, as well as criminal trials, show a serious acknowledgement of the country’s commitment to upholding accountability and adherence to the laws of war, as well as the *Rome Statute*. While the repercussions of these revelations will last for decades, that Australia is taking action to prevent future atrocities and account for those in the past can only be beneficial in the long term.

Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.

Very Strong
Unchanged

Australia’s education system, across its primary, secondary, and tertiary areas, remains a strong performer due to both the quality of its education and the breadth of subjects taught.³⁶ Action has also been taken to ensure the curriculums reflect the diverse nature of First Nations people in Australia, and that their history and culture is acknowledged and respected.³⁷

Some concerns remain of Chinese government influence manipulating academic freedom in some Australian universities and monitoring the actions of Chinese students studying in Australia.³⁸ The effects of this influence, if any, are likely to be minor in the context of the overall education system.

Prevent nationals committing atrocity crimes overseas.

Strong
Unchanged

There appears to be no change to this Indicator. Australia retains largely effective laws for prosecuting individuals who commit atrocities both

³³ The Department of Defence initiated an independent inquiry into ADF conduct in Afghanistan, and the findings were compiled in the ‘Brereton Report’ and released in 2020. While the inquiry does not pass verdicts of guilt or innocence based on the evidence it acquired, it has made recommendations to begin criminal investigations on some of the allegations it found to be credible, which have since been undertaken. The public release version of the report can be accessed here: Australian Government Department of Defence, 2023. *The Inspector-General of the Australian Defence Force Afghanistan Inquiry*, <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry>.

³⁴ McKinnell, Jamie, 2023. ‘Former SAS soldier Oliver Schulz charged with war crime granted bail’. *ABC News*, 28 March. Available at: <https://www.abc.net.au/news/2023-03-28/former-sas-soldier-oliver-schulz-granted-bail-war-crime-trial/102153756>.

³⁵ The Victoria Cross is Australia’s highest military decoration for valour in combat. Housden, Tom, and Tiffanie Turnbull, 2023. ‘Ben Roberts-Smith case: Will Australia see a war crimes reckoning?’. *BBC News*, 3 June. Available at: <https://www.bbc.com/news/world-australia-65774434>.

³⁶ Skip Issues, n.d. *The Australian Education System*, <https://skipissues.com/country-information/study-in-australia/the-australian-education-system/>.

³⁷ See: Australian Institute of Aboriginal and Torres Strait Islander Studies, 2021. *Education Strategy 2021-25*, <https://aiatsis.gov.au/sites/default/files/2021-08/aiatsis-education-strategy-2021-25.pdf>.

³⁸ Freedom House, 2023. *Freedom in the World 2022: Australia*, ‘Civil Liberties D. Freedom of Expression and Belief’.

within Australia and abroad. The recent conviction of a former ADF soldier for war crimes (see earlier Indicator) is evidence of this.

Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Very Strong Increase from 2022 Unchanged from 2019	Australia continues to be an active participant of dialogues and discussions about R2P and atrocity prevention. The country participates in the UN General Assembly plenary meetings on R2P in favour of the norm, both as a single country and as part of the Group of Friends of R2P. In these statements, Australia has mentioned the importance of accountability in thwarting atrocity crimes, as well as the importance of early warning mechanisms and the consideration of atrocity risks as early as possible. ³⁹ They have also highlighted the need for consistent language, aligning R2P with other important UN agendas such as Youth, Peace and Security. Australia was also a co-sponsor of UN Resolution 75/277, which included R2P as an annual item on the General Assembly's agenda, along with requesting the Secretary-General report annually on the topic. ⁴⁰
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong Unchanged	Australia, through partner organisations such as APR2P, has also been active regionally ⁴¹ and bilaterally ⁴² with the furtherance of R2P. Australia remains an active participant in UN fora, voting in favour of all resolutions that have referenced R2P. UN General Assembly Resolutions: ⁴³ <ul style="list-style-type: none"> • 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: yes. • 2018: Situation of human rights in the Democratic People's Republic of Korea A/RES/73/180: adopted without vote. • 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: yes. • 2019: Situation of human rights in the Democratic People's Republic of Korea A/RES/74/166: adopted without vote. • 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: yes. • 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: yes.

³⁹ Permanent Mission of Australia to the United Nations New York, 2022. *UN General Assembly Plenary Meeting: The Responsibility to Protect and the Prevention of Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity, 22 June 2022, Statement by Ms Shilpa Pulella, Chargé d'Affaires, Permanent Mission of Australia to the United Nations*, https://unmy.mission.gov.au/unmy/220622_UN_General_Assembly_Responsibility_to_Protect.html; Australian Mission to the United Nations, 2021. *United Nations General Assembly Open Debate on the Responsibility to Protect and the Prevention of Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity, 17 May 2021, Statement by H.E. Fiona Webster, Ambassador and Deputy Permanent Representative of Australia to the United Nations*, p. 3, <https://unmy.mission.gov.au/files/unmy/17052021%20-%20UN%20General%20Assembly%20-%20Open%20debate%20on%20the%20responsibility%20to%20protect.pdf>.

⁴⁰ United Nations, General Assembly, *The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity*, 18 May 2021, A/75/L.82/Add.1.

⁴¹ Most notably, these regional efforts encompass the formation of the R2P Pacific Project, in partnership with Pacific civil society organisations and regional bodies such as the Melanesian Spearhead Group and the Pacific Community. Asia Pacific Centre for the Responsibility to Protect (APR2P), 2023. *R2P Pacific Project*, <https://r2pasiapacific.org/r2p-pacific-project>.

⁴² This includes National Dialogues with countries such as Cambodia and Japan: APR2P, 2022. *Japan R2P Project 2021: First National Dialogue on R2P and Atrocities Prevention*, https://r2pasiapacific.org/files/8117/Spotlight_mar2022_Japan_1st_national_dialogue.pdf.

⁴³ Global Centre for the Responsibility to Protect (GCR2P), 2022. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for UN resolutions can be found here: <https://digitallibrary.un.org/?ln=en>.)

- 2020: Situation of human rights in the Democratic People’s Republic of Korea A/RES/75/190: **adopted without vote.**
- 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: **yes.**
- 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: **adopted without vote.**
- 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: **yes.**
- 2021: Terrorism and human rights A/RES/76/169: **adopted without vote.**
- 2021: Situation of human rights in the Democratic People’s Republic of Korea A/RES/76/177: **adopted without vote.**
- 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228: **yes.**
- 2022: Extrajudicial, summary or arbitrary executions A/RES/77/218: **yes.**
- 2022: Situation of human rights in the Democratic People’s Republic of Korea A/RES/77/226: **adopted without vote.**
- 2022: Situation of human rights of Rohingya Muslims and other minorities in Myanmar A/RES/77/227: **adopted without vote.**
- 2022: Situation of human rights in the Syrian Arab Republic A/RES/77/230: **yes.**

Australia served on the Human Rights Council, its inaugural term, from 2018 to 2020. As it was the first Pacific member of the Council, it sought, along with other Pacific members Fiji and the Republic of the Marshall Islands, “...to amplify the voices of our neighbours and highlight collection actions undertaken in the Pacific”.⁴⁴ It voted in favour of all resolutions referencing R2P during its tenure on the Council.⁴⁵

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair
 Unchanged from
 2022
 Decrease from
 2019

Australia’s will and effort to help countries in its near abroad is still rhetorically strong after several decades, although practically efforts are much more diminished than they were in the past.⁴⁶ Australia provided personnel, along with Papua New Guinea, Fiji, and New Zealand, to help the Solomon Islands government quell unrest in late 2022.⁴⁷ The intervention proved effective at alleviating the worst effects of the vulnerable situation in Solomon Islands. However, the residual instability, and subsequent discussions regarding assistance and aid

⁴⁴ DFAT, 2018. *Australia: member of the United Nations Human Rights Council 2018-2020*, ‘Launch of Australia’s inaugural Human Rights Council Membership’, <https://www.dfat.gov.au/international-relations/themes/human-rights/australias-membership-unhrc-2018-2020>.

⁴⁵ GCR2P, 2023. *UN Human Rights Council Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-human-rights-council-resolutions-referencing-r2p/>; Universal Rights Group Geneva, n.d. *Country Voting History Portal: Australia*, <https://www.universal-rights.org/country-voting-history-portal/country/?country=Australia>.

⁴⁶ Putz, Catherine, 2023. ‘Helping A Friend: Looking Back on Australia’s Intervention in Solomon Islands’. *The Diplomat*, 14 March. Available at: <https://thediplomat.com/2023/03/helping-a-friend-looking-back-on-australias-intervention-in-solomon-islands/>.

⁴⁷ Newton Cain, Tess, 2021. ‘As Australia deploys troops and police, what now for Solomon Islands?’ *The Conversation*, 26 November. Available at: <https://theconversation.com/as-australia-deploys-troops-and-police-what-now-for-solomon-islands-172678>; Herr, Richard, Aziz Mohammed, 2021. ‘Repeating history? Australia’s new intervention in the Solomon Islands’. *The Strategist*, 29 November. Available at: <https://www.aspistrategist.org.au/repeating-history-australias-new-intervention-in-solomon-islands/>.

		<p>to nearby countries, is seen through a context of great power rivalry in the Pacific and Southeast Asia, with China on one side and the US (and Australia as a US ally) on the other. This dichotomy does not directly account for atrocity prevention or R2P.</p> <p>Furthermore, Australia's response to the coup in Myanmar in 2021 was seen by some to be lacklustre, with a lack of diplomatic effort and little prioritisation of human rights in practice.⁴⁸ While targeted sanctions have been introduced two years after the coup,⁴⁹ Australia's reticence about the ongoing crisis lingers despite previous calls for greater intervention by the international community and the application of R2P.⁵⁰</p>
	<p>Strengthen regional and international networks for atrocity crime prevention.</p>	<p>While Australia has a stellar record of founding and prioritising networks for atrocity prevention in the past, there is little recent evidence to suggest Australia actively continues to do so, at least at a State level. Through APR2P and the Asia Pacific Partnership for Atrocity Prevention (APPAP)⁵¹ which DFAT funds, atrocity prevention measures continue to flourish at a grassroots level in some Asia Pacific countries.⁵²</p>
	<p>Strengthen the role and capacity of regional organisations.</p>	<p>Australia continues to be a regular member and participant of many regional organisations in the Asia Pacific region. It has been active in the meetings of the revitalised QUAD⁵³ (a loose grouping of Australia, the US, India, and Japan) and continues to engage closely with Pacific neighbours through mechanisms including the Pacific Islands Forum.⁵⁴</p> <p>However, there is little evidence of Australia actively strengthening these organisations for the purposes of atrocity prevention. Current diplomatic overtures by the Albanese government are aimed at reestablishing Australia's position in the region vis-à-vis China's increased influence. While Australia</p>

⁴⁸ DFAT, 2021. *Australian statement for the Interactive dialogue with Special Rapporteur on the situation in Myanmar*, 10 March 2021, <https://www.dfat.gov.au/international-relations/themes/human-rights/hrc-statements/46th-session-human-rights-council/australian-statement-sr-situation-myanmar>; Doherty, Ben, Daniel Hurst and Ben Butler, 2022. 'Australia stays silent on outcome of meeting with Myanmar coup leader'. *The Guardian*, 7 April. Available at: <https://www.theguardian.com/australia-news/2022/apr/07/australia-stays-silent-on-outcome-of-meeting-with-myanmar-coup-leader>; Cf. Conley Tyler, Melissa, 2021. *Are critics of Australia's response to the Myanmar coup expecting too much?*, <https://www.eastasiaforum.org/2021/05/14/are-critics-of-australias-response-to-the-myanmar-coup-expecting-too-much/>.

⁴⁹ DFAT, 2023. *Myanmar sanctions regime*, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/myanmar-sanctions-regime>.

⁵⁰ Doherty, Ben, Daniel Hurst, 2021. 'Myanmar coup: Kevin Rudd joins calls for UN security council intervention'. *The Guardian*, 31 March. Available at: <https://www.theguardian.com/world/2021/mar/31/myanmar-coup-kevin-rudd-joins-calls-for-un-security-council-intervention>. In fairness, the lack of UN Security Council action and response to the civil war currently being waged in Myanmar is not a fault of Australia. To its credit, Australia's development aid to Myanmar is under scrutiny by the government to ensure aid goes to where it is required and not to entities linked to the military dictatorship. DFAT, n.d. *Development assistance in Myanmar*, <https://www.dfat.gov.au/geo/myanmar/development-assistance/development-assistance-in-myanmar>.

⁵¹ Australian Mission to the United Nations, 2019. *United Nations General Assembly 27 June 2019 Responsibility to Protect ('R2P') Statement by H.E. Gillian Bird Ambassador and Permanent Representative of Australia to the United Nations*, p. 3, https://unmy.mission.gov.au/files/unmy/190627_R2P_Australian%20statement_FINAL.pdf.

⁵² See: APPAP, 2020. *APPAP Projects*, <https://appap.group.uq.edu.au/atrocity-prevention>.

⁵³ Maude, Richard, 2021. *Explainer: What a Revived Quad Means for the Indo-Pacific*, <https://asiasociety.org/australia/explainer-what-revived-quad-means-indo-pacific>.

⁵⁴ DFAT, n.d. *Pacific Islands Forum Ministers Meetings*, <https://www.dfat.gov.au/international-relations/regional-architecture/pacific-islands/pacific-islands-forum-ministers-meeting#:~:text=The%20inaugural%20Pacific%20Islands%20Forum,a%20renewed%20commitment%20in%202023.>

			<p>placing itself once again as a regional player is broadly beneficial for any regional efforts, a concrete strengthening of atrocity prevention measures regionally has yet to manifest due to their actions.</p>
	Support the development and work of regional human rights and other preventive capacities.	Fair Unchanged	<p>Like the above Indicator, Australia continues to be a regional supporter of a ‘rules-based international order’ which has peace and stability at its core to counterbalance Chinese influence in the region.</p> <p>However, APR2P’s ongoing work with grassroots civil society and increased engagement with Pacific countries,⁵⁵ has shown a small but steadfast effort to promote human rights and good governance within the region.</p>
	Support atrocity prevention through development and assistance partnerships.	Fair Unchanged from 2022 Decrease from 2019	<p>With a change of government, Australia has abolished its cap on official development assistance and has begun recalibrating where it sends its aid. It has redirected funds from South Asian countries into those closer to its borders in Southeast Asia. The Pacific has become the central pillar of Australian aid, along with Timor-Leste and Indonesia. Australian aid priorities include health (in the wake of the COVID-19 pandemic), climate change and gender equality.⁵⁶</p> <p>Australia also continues to send aid to Ukraine following the expanded Russian invasion in 2022.⁵⁷ However, there remain some challenges to the amount of aid allocated to Australia’s development program, as well as to its implementation. Atrocity prevention is also not explicitly referenced.⁵⁸</p>
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Very Strong Unchanged	<p>No information suggests Australia’s position is anything less than full support for the UN Office on Genocide Prevention and R2P. In any international discussions, and in their UPR sessions (see previous Indicators), Australia has highlighted the importance of early warning processes and remains committed to atrocity prevention internationally.</p>
	Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system.	Very Strong Unchanged	<p>During its time on the Human Rights Council and in other international fora, Australia continues to support the UN’s role in furthering international human rights.</p>
	Support preventive actions on atrocity crimes.	Fair Unchanged from 2022 Decrease from 2019	<p>While strongly advocating for atrocity prevention at the international level, there is little support Australia gives beyond rhetoric. The country has however continued its support of APR2P and the role of APPAP, whose work does further atrocity prevention at the local level.</p>
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Weak Unchanged	<p>Australia has a long history of contributing to peacekeeping operations, yet these contributions have been quite small. They currently have personnel deployed on three missions, the largest of</p>

⁵⁵ Particularly those in the Melanesian Spearhead Group, which includes Papua New Guinea, Fiji, Vanuatu, Solomon Islands and the FLNKS (Kanak and Socialist National Liberation Front) of New Caledonia.

⁵⁶ Donor Tracker, 2023. *Australia*, https://donortracker.org/donor_profiles/australia#politics-priorities.

⁵⁷ The focus of Australian aid to Ukraine consists mostly of military hardware, in addition to training of Ukrainian forces by members of the ADF. Australian Government Department of Defence, 2023. *Australia stands with Ukraine with additional support and sanctions*, <https://www.minister.defence.gov.au/media-releases/2023-02-24/australia-stands-ukraine-additional-military-support-and-sanctions#:~:text=The%20Australian%20Government%20will%20provide,as%20they%20continue%20to%20fight..>

⁵⁸ Stanhope, Grace, 2023. ‘Life in Australia’s aid program – but not as we know it’. *The Interpreter*, 16 May. Available at: <https://www.lowyinstitute.org/the-interpreter/life-australia-s-aid-program-not-we-know-it>.

		which (UNMISS, with 14 personnel) has a protection of civilians mandate. ⁵⁹
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong Unchanged	Australia is the 11 th highest financial contributor to the UN peacekeeping operational budget. ⁶⁰ While troop numbers for the peacekeeping operations it participates in are quite small, Australia has an extensive training environment for soldiers and police. This extends to other nations, particularly those in the Pacific. ⁶¹ The Australian Department of Defence developed, through the ADF Peace Operations Training Centre, the Peace Operations Training Environment Partnership (POTEP) in 2021. This system was designed to provide high-quality online training to Australian and other nations' peacekeepers. ⁶² Further training also emphasises human rights and gender considerations during deployments. ⁶³
Support the Kigali Principles.	Very Strong Unchanged	No evidence was found that atrocity prevention was explicitly catered for in this training. Australia remains one of only two States in the Asia Pacific that have signed the Kigali Principles on the Protection of Civilians.
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong Unchanged	Australia remains a signatory to both documents that comprise this Indicator ⁶⁴ and have called on other States to follow their example in the past.

⁵⁹ UN Peacekeeping, 2023. *Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors>. (Australia can be selected from the dropdown menu.)

⁶⁰ Australia is ranked behind the Republic of Korea, with a contribution of 2.21%. DFAT, n.d. *Peacekeeping and peacebuilding*, <https://www.dfat.gov.au/international-relations/security/peacekeeping-and-peacebuilding/peace-and-conflict>; United Nations, General Assembly, Implementation of General Assembly resolutions 55/235 and 55/236 Report of the Secretary-General, 24 December 2018, A/73/350/Add.1, p. 2.

⁶¹ Peace Operations Training Institute, 2023. *E-Learning for Peacekeepers in the Asia Pacific (ELPAP)*, <https://www.peaceopstraining.org/programs/ntcelp/asia-pacific/elpap/>.

⁶² See: POTEP, n.d. POTEP: *The future of Peace Operations Training*, <https://potep.apacnet.org/portal/index.html>.

⁶³ AFP, 2023. *AFP helps train Asia-Pacific police officers for UN Peacekeeping Operations*, <https://www.afp.gov.au/news-media/media-releases/afp-helps-train-asia-pacific-police-officers-un-peacekeeping-operations>; Australian Government Department of Defence, 2021. *Defence Peace Operations Training Partnership*, <https://www.minister.defence.gov.au/media-releases/2021-06-19/defence-peace-operations-training-partnership>.

⁶⁴ GCR2P, 2022. *List of Supporters of the Political Declaration on Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>; GCR2P, 2022. *List of Signatories to the ACT Code of Conduct*, <https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.