



AUSTRALIA

BASELINE ASSESSMENT OF R2P IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of Australia's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see 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 is recognized globally as a leading international advocate of R2P. It was a founding member of the Group of Friends networks at the UN in New York and Geneva, an early appointer of a national R2P Focal Point and active in the global network of Focal Points. The country has been a vocal advocate of R2P in the UN General Assembly and Human Rights Council, as well as during its term as a non-permanent member of the UN Security Council. Australia is one of the principal supporters of civil society organisations working on R2P and is a donor to the UN's Office on Genocide Prevention and R2P. It tends to be a strong advocate for early preventive action, although its response to the 2017-18 crisis in Rakhine state was slow and tepid. Australia is a vocal advocate for the protection of civilians and the Kigali Principles but makes only token troop contributions to UN peace operations.

Domestically, Australia is a stable and democratic state that has a very strong human rights record, open and free press and civil society, and no significant atrocity crime risks. It has strong and independent National Human Rights Institutions. However, Australia's policy of mandatory detention for asylum seekers arriving by boat 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 is a policy inconsistent with Australia's responsibility to protect.

Australia has taken steps to implement R2P into national policy but it has not conducted a national assessment of risk and resilience and has no plans to do so. Nor has it established concrete mechanisms to hold the government accountable for its commitment to R2P. Steps have been taken to address historical atrocity crimes against Australia's indigenous population but these have thus far fallen short of constitutional recognition, the granting of a parliamentary voice, or reparations.

AUSTRALIA

| Assessment | Indicator |
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| 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 |
| | Establish and maintain National Human Rights Institutions in accordance with the Paris Principles |
| | 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 |
| | Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations |
| | 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 a legitimate, effective and civilian controlled security sector |
| | 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 |
| | Ensure equal access to justice |
| | 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 |
| | 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 atrocity prevention through development and assistance partnerships |
| | Support preventive actions on atrocity crimes |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping |

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| Fair | Dealing with past atrocities |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect |
| | Strengthen the role and capacity of regional organisations |
| | Support the development and work of regional human rights and other preventive capacities |
| Weak | 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

Australia: Baseline Assessment of R2P Implementation

| Thematic Area | Indicator | Assessment | Notes |
|-------------------|---|-------------|---|
| Basic Compliance | Protection of populations from atrocity crimes. | Very Strong | The Australian government, due to its nature and the strength of its institutions, effectively protects its population from atrocity crimes. |
| | Reduction of atrocity crime risks. | Very Strong | Factors such as a democratic political system, overall respect for human rights, effective rule of law and a professional and accountable security sector combine to ensure Australia is not at risk of atrocity crimes any time soon. |
| | Dealing with past atrocities. | Fair | <p>Australia’s colonisation starting in the 18th century by British and other European settlers was anything but peaceful. Settlement was characterised by mass eviction and forced assimilation of the Indigenous population through the use of violence and mass killings.¹ The extent and magnitude of these crimes has only recently begun to be properly acknowledged.</p> <p>The colonial legacy is still felt by Indigenous people to this day, and they remain one of the most marginalised groups within contemporary Australian society.² The government has gone to some lengths to rectify this. Initiatives such as Close the Gap, NAIDOC Week, the Aboriginal Land Rights Act and the National Apology to the Stolen Generations are all measures taken by the federal government to reconcile and alleviate the pain of past atrocities. While Indigenous peoples still lack constitutional recognition, the recent establishment of the National Indigenous Australian Agency, under the leadership of an Indigenous minister,³ is an encouraging sign of further reconciliation.</p> |
| Policy Mechanisms | Appoint national R2P Focal Point. | Very Strong | Australia appointed a national R2P Focal Point in 2011. Along with Denmark, Ghana and Costa Rica, Australia co-founded the Global Network of R2P Focal Points. This network provides an opportunity to share lessons learned and enable the continued strengthening of policy mechanisms and architecture for atrocity prevention. ⁴ |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships. | Strong | There is no specific framework of analysis for gathering information on atrocity crimes for the various entities in the Australian government. The Department of Foreign Affairs and Trade (DFAT) and other governmental organisations largely prefer context-driven methods instead of more prescriptive template-based methods concerning foreign analysis. |

¹ Allam, Lorena, and Evershed, Nick, 2019. ‘The Killings Times: the massacres of Aboriginal people Australia must confront’. *The Guardian*, 4 March. Available at: <https://www.theguardian.com/australia-news/2019/mar/04/the-killing-times-the-massacres-of-aboriginal-people-australia-must-confront>; Dovey, Ceridwen, 2017. ‘The Mapping of Massacres’. *The New Yorker*, 6 December. Available at: <https://www.newyorker.com/culture/culture-desk/mapping-massacres>.

² Human Rights Watch (HRW), 2019. *Australia: Events of 2018*, ‘Indigenous Rights’, <https://www.hrw.org/world-report/2019/country-chapters/australia#2c9b66>.

³ National Indigenous Australians Agency, 2019. *The Agency*, <https://www.niaa.gov.au/who-we-are/the-agency>.

⁴ Global Centre for the Responsibility to Protect (GCR2P), 2018. *Global Network of R2P Focal Points*, http://www.global2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points-2.pdf; DFAT, 2017. *Study of the Domestic Implementation of the Responsibility to Protect (R2P)*, p. 5, <https://dfat.gov.au/about-us/publications/Pages/study-on-australias-domestic-implementation-r2p-2015.aspx>.

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| | | | <p>Despite this, the context-sensitive information Australia habitually gathers enables analysis of issues closely related to atrocity crimes. Reports of political instability and armed conflict, and the risk assessment of prospective aid deliveries on the social, economic and political aspects of a given country allow for broad consideration of atrocity crime risks.</p> |
| | <p>Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.</p> | <p>Fair</p> | <p>The Senate Standing Committee on Foreign Affairs, Defence and Trade has made several inquiries into the conduct of the Australian government regarding R2P. They have made recommendations to the government to uphold R2P, especially in regard to foreign assistance and peacekeeping missions.⁵</p> |
| <p>International Human Rights Obligations</p> | <p>Sign, ratify and implement relevant instruments of international law.</p> | <p>Very Strong</p> | <p>Australia has signed all twelve of the key international human rights laws (IHRL) most relevant to R2P:⁶</p> <p><i>Convention on the Prevention and Punishment of the Crime of Genocide</i> (Ratification/Accession: 1949)</p> <p><i>Geneva Conventions</i> (Ratification/Accession: 1958)</p> <p><i>Geneva Protocol I</i> (Ratification/Accession: 1991)</p> <p><i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> [CAT] (Ratification/Accession: 1989)</p> <p><i>International Covenant on Civil and Political Rights</i> [ICCPR] (Ratification/Accession: 1980)</p> <p><i>Convention on the Elimination of All Forms of Discrimination against Women</i> [CEDAW] (Ratification/Accession: 1983)</p> <p><i>Convention on the Elimination of All Forms of Racial Discrimination</i> [CERD] (Ratification/Accession: 1975)</p> <p><i>International Covenant on Economic, Social and Cultural Rights</i> [ICESCR] (Ratification/Accession: 1975)</p> <p><i>Convention on the Rights of the Child</i> [CRC] (Ratification/Accession: 1990)</p> <p><i>Arms Trade Treaty</i> [ATT] (Ratification/Accession: 2014)</p> <p><i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> (Ratification/Accession: 1954 (Convention), 1973 (Protocol))</p> <p><i>Rome Statute of the International Criminal Court</i> (Ratification/Accession: 2002)</p> |

⁵ Parliament of Australia, n.d. *Chapter 5: Humanitarian considerations – responsibility to protect*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/2008-10/peacekeeping/report/c05; Parliament of Australia, n.d. *Government Response to the Senate Standing Committee on Foreign Affairs, Defence and Trade report on Australia’s involvement in peacekeeping operations*, https://www.aph.gov.au/~/_/senate/committee/.../govt_response_pdf.ashx.

⁶ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=9&Lang=EN; United Nations Treaty Collection (UNTC), 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en; UNTC, 2019. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en; United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 2, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Australia*, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=AU; International Criminal Court (ICC), 2003. *State Parties to the Rome Statute; Australia*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/western%20european%20and%20other%20states/Pages/australia.aspx.

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| | Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court. | Very Strong | Australia signed the <i>Rome Statute</i> in 1998 and deposited its instrument of ratification in 2002. It incorporated it into domestic law with the <i>International Criminal Court Act 2002 (Cth)</i> and the <i>International Criminal Court (Consequential Amendments) Act 2002 (Cth)</i> . ⁷ |
| | Establish and maintain National Human Rights Institutions in accordance with the Paris Principles. | Very Strong | The Australian Human Rights Commission maintains an 'A' rating from the Global Alliance of National Human Rights Institutions (GANHRI), indicating full compliance with the Paris Principles. ⁸ |
| | Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination. | Very Strong | Australia has a longstanding tradition of upholding human rights. Discrimination on the grounds of age, race, sex, gender identity or having a disability are prohibited by various laws, and these are upheld and scrutinised by the judiciary and the independent Australian Human Rights Commission. ⁹ It has adopted many international treaties into domestic law, and government departments have programs in place to facilitate respect for diversity and vibrant, multicultural communities. ¹⁰ It should be noted, that while many of Australia's laws are enshrined by government legislation, the vast majority are not enshrined in constitutional law. Australia is the only liberal democracy in the world that does not possess a bill of rights. While this has not stopped the overall adherence by successive governments in upholding human rights standards, lack of constitutional guarantee has raised concerns over potential abuses. ¹¹ |
| | Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council. | Very Strong | Australia has participated in two UPRs, the first in 2011 and the second in 2015, with the next scheduled for 2020. In its first UPR, Australia received 147 recommendations. It accepted or partly accepted 137 and rejected the other 10. ¹² In its second UPR, it received 290 recommendations. It rejected none of these and accepted 150 of these, taking note of the other 140. ¹³ Consistent recommendations over the two UPRs were made regarding the rights of Indigenous Australians, refugees and asylum seekers, violence against women and further ratification of IHRL. Many of the recommendations Australia rejected or took note of are either against current policy or are |

⁷ ICC, 2003. *State Parties to the Rome Statute; Australia*; Fraser, Angus, 2017. *The Rome Statute in the Asia-Pacific*, p. 5, https://r2pasiapacific.org/files/734/rome_statute_in_AP_2017.pdf.

⁸ GANHRI, 2019. Chart of the Status of National Institutions, p. 2, <https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20%289%20May%202019%29.pdf>; for more information, see: Australian Human Rights Commission, n.d. *About*, <https://www.humanrights.gov.au/about>.

⁹ Australian Human Rights Commission, 2016. *Human Rights in Australia*, 'How are human rights protected in Australia', <https://www.humanrights.gov.au/our-work/education/human-rights-australia>.

¹⁰ For example: Department of Social Services, 2019. *Communities and Vulnerable People: Programs and Services*, <https://www.dss.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services>.

¹¹ Go To Court Lawyers, 2018. *Should Australia Have a Bill of Rights?*, <https://www.gotocourt.com.au/legal-news/australia-bill-of-rights/>.

¹² UPR Info, 2011. *Responses to Recommendations: Australia*, https://www.upr-info.org/sites/default/files/document/australia/session_10_-_january_2011/recommendationstoaustralia2011.pdf.

¹³ UPR Info, 2015. *2RP: Responses to Recommendations & Voluntary Pledges – Australia*, https://www.upr-info.org/sites/default/files/document/australia/session_23_-_november_2015/recommendations_and_pledges_australia_2015.pdf.

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| | | redundant due to sufficient coverage by domestic legislation. ¹⁴ In both UPRs, the Australian delegation was appreciative of the recommendations it received and endeavoured to continue to engage with human rights and the UPR process. |
| Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations. | Very Strong | Australia extended a standing invitation to UN Special Procedures in 2008. It has had 19 visits from such Procedures, the majority of which have been completed and their associated reports published. ¹⁵ |
| Ensure equal access to justice. | Strong | A right to a trial by jury is enshrined in the constitution ¹⁶ and supported by a separation of state powers and an independent judiciary. However, there are issues with a lack of justice for some people in the country, particularly vulnerable groups such as elderly people, migrants, Indigenous people and those who live in remote and regional areas. While legal assistance schemes have been put in place by the government, certain disadvantaged sections of Australian society lack reliable access to justice. ¹⁷ |
| Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity. | Very Strong | Acts of genocide, war crimes and crimes against humanity are criminalised under the <i>Commonwealth Criminal Code</i> , with penalties ranging from 17 years to life in prison. ¹⁸ In 2005 an amendment was introduced that criminalised the incitement of violence on religious or racial grounds. ¹⁹ |
| Take measures to counter and prevent violent extremism. | Very Strong | Australia has comprehensive policies to counter violent extremism (CVE) and terrorism. Coordinated by the Department of Home Affairs, the national CVE strategy focuses on four areas of activity: building strength in diversity and social participation, targeted work with vulnerable communities and institutions, addressing terrorist propaganda online, and diversion and deradicalization. ²⁰ The Department has also developed tailored intervention programs to counter the root causes of a person's radicalisation. ²¹ The government has fostered a collaborative relationship between the community and law enforcement and intelligence agencies responsible for CVE. Resources like the Living Safe Together |

¹⁴ Australian Mission to the United Nations, 2011. *Consideration of the Universal Periodic Review Report of Australia*, https://www.upr-info.org/sites/default/files/document/australia/session_10_-_january_2011/australiaplenarystatement2011.pdf; Australian Mission to the United Nations, 2016. *Adoption of the Universal Periodic Review of Australia – Australian Statement*, https://www.upr-info.org/sites/default/files/document/australia/session_23_-_november_2015/australia_plenary_statement_2016.pdf.

¹⁵ UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=AUS.

¹⁶ Commonwealth of Australia, Parliament of Australia. *Commonwealth of Australia Constitution Act, Chapter 3, Article 80*. Canberra, 2010.

¹⁷ See: Law Council of Australia, 2018. *The Justice Project*, <https://www.lawcouncil.asn.au/justice-project>.

¹⁸ Australasian Legal Information Institute. 'Criminal Code Act 1995'. (6 April 2019). *Commonwealth Consolidated Acts*. <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html>.

¹⁹ Parliament of Australia, 2005. *Crimes Act Amendment (Incitement to Violence) Bill 2005*, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r2474_ems_c9891f30-acee-4c03-9772-32777e59617f/upload_pdf/05187em.pdf;fileType=application%2Fpdf.

²⁰ Department of Home Affairs, 2018. *Countering violent extremism (CVE)*, [https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/countering-extremism-and-terrorism/countering-violent-extremism-\(cve\)](https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/countering-extremism-and-terrorism/countering-violent-extremism-(cve)).

²¹ Department of Home Affairs, 2018. *Countering violent extremism (CVE) intervention programs*, <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/countering-extremism-and-terrorism/cve-intervention-programs>.

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| | | | <p>website²² emphasise the importance of collaboration in protecting the public and fostering societies resilient to radicalisation.</p> <p>Australia is a founding member of the Asia Pacific Group on Money Laundering (APG) and holds a co-chair position in the organisation.²³ Overall, the government possesses a good understanding of the nature of money laundering and terrorist financing.²⁴</p> <p>As well as a comprehensive list of domestic laws and policies to counter terrorism, Australia is also a signatory to the majority of international counter-terrorism laws.²⁵</p> |
| | Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence. | Very Strong | <p>Sexual and gender-based violence (SGBV) is criminalised and prohibited by law within Australia.²⁶ However, domestic violence and violence against women, as well as sexual harassment, remain ongoing problems.</p> <p>The National Plan to Reduce Violence against Women and their Children 2010 – 2022 was designed to streamline state and territory efforts to combat SGBV.²⁷ It focuses on two broad areas, family and domestic violence, and sexual assault. As well as this plan, Commonwealth as well as states and territories have also initiated research and campaigns to better educate and change behaviours regarding violence against women.²⁸</p> |
| | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Very Weak | <p>Australia’s treatment of asylum seekers is at odds with its otherwise strong human rights record and goes against its international obligations. Australia remains a top destination country for refugees, with close to 30,000 applications for asylum in 2018.²⁹ However, due to continued political support for strong borders and action against people smuggling, government policies have enabled abuse of asylum seekers rights through offshore detention on Papua New Guinea and Nauru.³⁰</p> |
| Domestic Implementation | Conduct a national assessment of risk and resilience. | Very Weak | <p>Australia has not yet conducted an assessment of risk and resilience regarding atrocity crimes.</p> |

²² See: Australian Government, n.d. *Living Safe Together*, <https://www.livingsafetogether.gov.au/pages/home.aspx>.

²³ APG, 2019. *Members & Observers: Australia*, <http://www.apgml.org/members-and-observers/members/details.aspx?m=6278f5df-9ff0-4163-8e36-33f5f14a2661>.

²⁴ APG, 2015. *Anti-money laundering and counter-terrorist financing measures – Australia: Mutual Evaluation Report*, <http://www.apgml.org/members-and-observers/members/member-documents.aspx?m=6278f5df-9ff0-4163-8e36-33f5f14a2661>. (Report available for download through this link).

²⁵ Attorney-General’s Department, n.d. *National security and counter-terrorism law*, <https://www.ag.gov.au/NationalSecurity/CounterterrorismLaw/Pages/default.aspx>.

²⁶ U.S Department of State, 2019. *Australia 2018 Human Rights Report*, p. 11, <https://www.state.gov/wp-content/uploads/2019/03/AUSTRALIA-2018.pdf>; Australian Institute of Family Studies, 2019. *Legislation table: Elements of the laws surrounding sexual assault, by jurisdiction*, <https://aifs.gov.au/sites/default/files/publication-documents/rs1appendix.pdf>.

²⁷ Department of Social Services, 2019. *The National Plan to Reduce Violence against Women and their Children 2010-2022*, <https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>.

²⁸ For example: ANROWS, n.d. *The Australian policy context*, <https://www.anrows.org.au/resources/government-relations/>.

²⁹ WorldData.info, 2018. *Countries of origin and destination of refugees*, <https://www.worlddata.info/refugees-by-country.php>.

³⁰ HRW, 2019. *Australia: Events of 2018*, <https://www.hrw.org/world-report/2019/country-chapters/australia#5a664c>; U.S Department of State, 2019. *Australia 2018 Human Rights Report*, p. 8; Truu, Maani, 2019. ‘Australia’s refugee policy is out of step with global standards and breaks international law: report’. *SBS News*, 13 June. Available at: <https://www.sbs.com.au/news/australia-s-refugee-policy-is-out-of-step-with-global-standards-and-breaks-international-law-report>; Reilly, Alex, 2019. ‘Cruel, and no deterrent: why Australia’s policy on asylum seekers must change’. *The Conversation*, 31 May. Available at: <https://theconversation.com/cruel-and-no-deterrent-why-australias-policy-on-asylum-seekers-must-change-117969>.

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| | Cultivate and protect an active, diverse and robust civil society. | Very Strong | <p>The civil society sector in Australia is strong and vibrant, encompassing over 600,000 grassroots organisations including religious and community groups, charities and sporting clubs. The work of these groups is recognised and supported by the government.³¹</p> <p>While freedom of speech and expression is not specifically guaranteed by the constitution, the High Court has deemed it holds an implied right to free speech and together with an independent judiciary, freedom of speech is generally respected.³² Press freedom and other civil liberties are thus widespread and accepted, and Australia is regarded as an open and diverse society.³³</p> <p>Recent developments have marred the country's otherwise strong reputation. Laws passed in the interests of national security have had a 'chilling effect' on investigative reporting and potentially the advocacy abilities of certain civil society organisations.³⁴ Raids by the Australian Federal Police (AFP) on the Australian Broadcasting Corporation (ABC), the nation's public broadcaster, in mid-2019 for breaching national security laws was widely condemned both in Australia and overseas.³⁵ While overall freedoms remain widespread, there are concerns of its slow erosion.</p> |
| | Ensure a legitimate, effective and civilian controlled security sector. | Very Strong | The Australian Defence Force (ADF) and the AFP are responsible for external and internal security respectively, with state police forces holding jurisdiction more locally. Both organisations are controlled by civilian political leaders and their accompanying departments, who maintain effective oversight of their operations. ³⁶ |
| | Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness. | Very Strong | Australia has a strong education system, which is compulsory until the age of 16 or 17 (depending on individual state systems). The curriculum incorporates characteristics that further inclusiveness and academic capability, including intercultural and ethical understanding and appreciation for indigenous history and culture. ³⁷ Initiatives by the government to 'close the gap' between the difference in the quality of life of indigenous and non-indigenous Australians has |

³¹ Department of Social Services, 2016. *Communities and Vulnerable People: Civil Society*, <https://www.dss.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services/civil-society>.

³² U.S Department of State, 2019. *Australia 2018 Human Rights Report*, p. 6.

³³ Freedom House, 2019. *Freedom in the World 2019: Australia*, <https://freedomhouse.org/report/freedom-world/2019/australia>.

³⁴ Reporters Without Borders (RSF), 2019. *Australia*, <https://rsf.org/en/australia>; CIVICUS, 2018. *Changes to security laws likely to have chilling effect, UN warns*, <https://monitor.civicus.org/newsfeed/2018/05/04/changes-security-laws-likely-have-chilling-effect-un-warns/>.

³⁵ Ford, Matt, 2019. 'Australia's Media Raids and the Decline of Press Freedom Worldwide'. *The New Republic*, 6 June. Available at: <https://newrepublic.com/article/154091/australias-media-raids-decline-press-freedom-worldwide>; Worthington, Elise and Blumer, Clare. 2019. 'What do the AFP raids mean for journalists and their sources?' *ABC News*, 7 June. Available at: <https://www.abc.net.au/news/2019-06-06/abc-raids-what-they-tell-us-about-press-freedom/11187364>; Wroe, David and Hunter, Fergus, 2019. 'Balancing act: national security collides with freedom of the press'. *The Sydney Morning Herald*, 7 June. Available at: <https://www.smh.com.au/politics/federal/balancing-act-national-security-collides-with-freedom-of-the-press-20190607-p51vfv.html>.

³⁶ U.S Department of State, 2019. *Australia 2018 Human Rights Report*, p. 3.

³⁷ Department of Education, 2018. *Australian Curriculum*, <https://www.education.gov.au/australian-curriculum-0>; Austrade, n.d. *Australian education system*, <https://www.studyinaustralia.gov.au/english/australian-education/education-system>.

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| | | | <p>resulted in many programs targeting education and health.³⁸</p> <p>Australia is also a strong performer in tertiary education, with many of its universities highly positioned in international rankings and possessing large research sectors and international student bodies.³⁹</p> <p>There is concern that Australia is falling behind regarding the quality of its education in relation to other well-developed countries.⁴⁰ While it is a concerning trend, the quality and inclusiveness of the education system as it currently stands is still substantial and supports broad domestic implementation of R2P.</p> |
| | Prevent nationals committing atrocity crimes overseas. | Strong | <p>Australia has legislation in place that prosecutes anyone committing atrocity crimes, whether within Australia or abroad.⁴¹ Recent changes to laws regarding foreign fighters in conflicts in Syria and Iraq means Australian citizens can now be banned for up to two years from returning to Australia if they are suspected of being involved in terrorist activity.⁴²</p> <p>This and other legislation, while potentially effective in preventing Australians from participating in conflict and potential atrocity crimes, has also raised concerns of eroding civil liberties and lack of proper oversight.⁴³</p> |
| Bilateral and Multilateral Relations | Participate in international, regional, and national discussions on the further advancement of R2P. | Very Strong | <p>Australia is a regional leader for participating in activities that advance R2P. It has participated in all of the Informal Interactive Dialogues on R2P at the General Assembly. In the statements Australia has given at these events, reference is made to the importance of Pillar II of R2P, namely prevention and how best to implement it. Australia also pushes for greater engagement of R2P by the General Assembly in efforts to turn sentiment into meaningful commitment.⁴⁴</p> |

³⁸ For example: Department of Prime Minister and Cabinet, n.d. *Chapter Three: Education*, <https://ctgreport.pmc.gov.au/education>; Institute for Urban Indigenous Health, 2018. *Deadly Choices*, <https://deadlychoices.com.au/>.

³⁹ Times Higher Education, 2018. *Best universities in Australia 2019*, <https://www.timeshighereducation.com/student/best-universities/best-universities-australia>.

⁴⁰ Singhal, Pallavi, 2017. 'UN agency ranks Australia 39 out of 41 countries for quality education'. *The Sydney Morning Herald*, 15 June. Available at: <https://www.smh.com.au/education/un-agency-ranks-australia-39-out-of-41-countries-for-quality-education-20170615-gwrt9u.html>.

⁴¹ Library of Congress, 2016. *Genocide, Crimes Against Humanity and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php>.

⁴² Mercer, Phil, 2019. 'Foreign Fighters Law approved in Australia'. *Voice of America*, 28 July. Available at: <https://www.voanews.com/east-asia-pacific/foreign-fighters-law-approved-australia>.

⁴³ Bolger, Rosemary, 2019. 'Proposed laws to ban foreign fighters spark concerns about Dutton's growing power'. *SBS News*, 22 July. Available at: <https://www.sbs.com.au/news/proposed-laws-to-ban-foreign-fighters-spark-concerns-about-dutton-s-growing-power>; Doran, Matthew, 2019. 'Peter Dutton wants to stop Australian citizens with suspected terror links from coming home'. *ABC News*, 23 July. Available at: <https://www.abc.net.au/news/2019-07-23/temporary-exclusion-order-explainer/11330566>.

⁴⁴ DFAT, 2014. *Statement by HE Ms Philippa King, Ambassador and Deputy Permanent Representative of Australia to the United Nations*, <https://dfat.gov.au/international-relations/international-organisations/un/unscc-2013-2014/national-statements/Pages/5233.aspx>; Australian Mission to the United Nations, 2015. *Statement by H.E. Gillian Bird Ambassador and Permanent Representative of Australia to the United Nations*, <http://www.global2p.org/media/files/150908-r2p-informal-dialogue-australian-statement-final.pdf>; Australian Mission to the United Nations, 2016. *Statement by H.E. Gillian Bird Ambassador and Permanent Representative of Australia to the United Nations*, [http://www.responsibilitytoprotect.org/Australia\(1\).pdf](http://www.responsibilitytoprotect.org/Australia(1).pdf); Australian Mission to the United Nations, 2017. *Statement by Australia at the General Assembly informal interactive dialogue on the Responsibility to Protect: "Implementing the Responsibility to Protect: Accountability for Prevention"*, <http://www.global2p.org/resources/1256>.

At the regional level, Australia has engaged in a number of dialogues and conferences promoting R2P in the Asia Pacific and beyond. As already mentioned, Australia co-founded the Global Network of R2P Focal Points and worked to develop the Global Action Against Mass Atrocity Crimes (GAAMAC) network.⁴⁵ Through the Asia Pacific Centre for the Responsibility to Protect (APR2P), Australia has engaged in initiatives such as the Council for Security Cooperation in the Asia Pacific (CSCAP)⁴⁶ and the High Level Advisory Panel on R2P in Southeast Asia.⁴⁷ APR2P has also carried out bilateral meetings with countries throughout the Asia Pacific on atrocity prevention and related issues, including China, The Philippines, Thailand, Japan, Mongolia and Vietnam.

Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.

Strong

Australia has voted on General Assembly resolutions referencing R2P in the following manner:

UN General Assembly Resolutions:⁴⁸

2013: The situation in the Syrian Arab Republic A/RES/67/262: **yes**.

2014: Situation of human rights in the Democratic People's Republic of Korea A/RES/69/188: **yes**.

2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: **yes**.

2015: Situation of human rights in the Democratic People's Republic of Korea A/RES/70/172: **yes**.

2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: **yes**.

2016: The situation in the Syrian Arab Republic A/RES/71/130: **yes**.

2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: **yes**.

2017: Situation of human rights in the Democratic People's Republic of Korea A/RES/72/188:

adopted without vote.

2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: **yes**.

During its tenure on the UN Security Council from 2013 to 2014, Australia voted in favour of all resolutions that referenced R2P.⁴⁹

Australia currently sits on the Human Rights Council, with its term expiring in 2020.⁵⁰ So far during this tenure, the country has voted 'in favour'

⁴⁵ GAAMAC, n.d. *History*, <https://www.gaamac.org/information-platform-www/web-pages/view/1>.

⁴⁶ APR2P, 2011. *Final Report of the CSCAP Study Group on R2P*, <https://r2pasiapacific.org/files/385/cscap-final-report.pdf>.

⁴⁷ APR2P, 2014. *Mainstreaming the Responsibility to Protect in Southeast Asia: Pathway Towards a Caring ASEAN Community*, <https://r2pasiapacific.org/files/382/mainstreaming-r2p-hlap-report-sep-2014.pdf>.

⁴⁸ GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.global2p.org/resources/1133>. (Voting records for these resolutions can be found by searching here: <https://digitallibrary.un.org/search?ln=en&cc=Voting+Data>).

⁴⁹ GCR2P, 2019. *UN Security Council Resolutions and Presidential Statements Referencing R2P*, <http://www.global2p.org/resources/335>. (Voting records for these resolutions can be found by searching here: <https://digitallibrary.un.org/search?ln=en&cc=Voting+Data>).

⁵⁰ UNOHCHR, 2019. *Current Membership of the Human Rights Council for the 13th cycle, 1 January – 31 December 2019*, <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

of all resolutions referencing R2P that require a vote.⁵¹

While Australia has an excellent record in international fora, there are limits to its engagement regionally. The country has been criticised for not engaging with ASEAN member states over their human rights records in exchange for political deals.⁵²

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| Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy. | Strong | Australia has been widely praised for its efforts to assist States in the region in dealing with political and civil unrest. Australia's assistance to the Solomon Islands (See Solomon Islands Baseline Assessment), along with other members of the Pacific, is seen as an example of successful intervention to establish peace and prevent atrocity crimes. ⁵³ Yet, recently it has faced intense criticism over its lack of condemnation and punishment for Myanmar over the actions of its military against the Rohingya. ⁵⁴ |
| Strengthen regional and international networks for atrocity crime prevention. | Strong | Australia has a history of not only strengthening atrocity prevention networks, but directly helping to establish them. As previously mentioned, Australia has had a hand in developing the Global Network of R2P Focal Points and the GAAMAC and supports the work of both GCR2P and APR2P. It is also a member of the Geneva-based Group of Friends of R2P, a coalition of governments aiming to mainstream discussions on R2P in the Human Rights Council. ⁵⁵ |
| Strengthen the role and capacity of regional organisations. | Fair | Australia is a regular participant in regional organisations such as the Pacific Islands Forum, the ASEAN Defence Ministers Meeting-Plus and the Asia Pacific Economic Cooperation (APEC) forum. In recent years Australia's influence in these fora and its ability to further their capacity, including for atrocity prevention, is in doubt. While still a strong advocate in supporting the development of its Pacific neighbours, Australia's differing policies in relation to some Pacific nations, and an increased Chinese influence has meant Australia's influence is not what it once was. Therefore, the country's potential to strengthen atrocity prevention measures in these organisations is limited at the current time. ⁵⁶ |

⁵¹ GCR2P, 2019. *Human Rights Council Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/977>; Universal Rights Group, n.d. *Country Voting History Portal: Australia*, <https://www.universal-rights.org/country-voting-history-portal/country/?country=Australia>.

⁵² Pearson, Elaine, 2018. *Human Rights Should Be a Focus of ASEAN-Australia Summit*, <https://www.hrw.org/news/2018/03/14/human-rights-should-be-focus-asean-australia-summit>; Four Corners, 2018. *Champagne With Dictators*, <https://www.abc.net.au/4corners/champagne-with-dictators/10053664>.

⁵³ United Nations, 2014. *Fulfilling our collective responsibility: international assistance and the responsibility to protect: Report of the Secretary-General*, https://r2pasiapacific.org/files/396/SGReportInternationalAssistanceR2P_2014.pdf.

⁵⁴ Arraf, Rawan, 2018. 'Australia has an obligation to the Rohingya people: So why is the federal government prevaricating?'. *ABC News*, 3 October. Available at: <https://www.abc.net.au/religion/australias-obligation-to-rohingya/10334312>; Amnesty International, 2018. *Rohingya: Australia Must Act: Shameful Anniversary Highlights Lack of Accountability for Myanmar's Atrocities*, <https://www.amnesty.org.au/rohingya-australia-must-act-shameful-anniversary-highlights-lack-of-accountability-for-myanmars-atrocities/>; Barber, Rebecca, 2018. *Payne Silent On Human Rights Following Visit to Myanmar*, <https://www.internationalaffairs.org.au/australianoutlook/payne-silent-human-rights-myanmar/>.

⁵⁵ GCR2P, n.d. *Geneva and the Human Rights Council*, http://www.globalr2p.org/our_work/geneva_and_the_human_rights_council.

⁵⁶ SBS News, 2018. 'Australia focuses on Pacific after APEC meeting ends in disagreement'. *SBS News*, 19 November. Available at: <https://www.sbs.com.au/news/australia-focuses-on-pacific-after-apec-meeting-ends-in-disagreement>; Tillett, Andrew, 2018. 'APEC 2018: PNG summit ends in glares'. *Financial Reviews*, 18 November. Available at: <https://www.afr.com/news/policy/foreign-affairs/apec-2018-png-summit-ends-in-glares-20181118-h180t4>; Wallis, Joanne, 2018.

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| | Support the development and work of regional human rights and other preventive capacities. | Fair | Both DFAT and the Australian Human Rights Commission further human rights work through engagement with civil societies and international bodies. ⁵⁷ However, its reticence in condemning human rights violations in certain countries within the region, and its ongoing issues domestically, means space remains for better engagement of human rights and atrocity prevention. |
| | Support atrocity prevention through development and assistance partnerships. | Strong | Australia is a significant donor of official development assistance (ODA). It is currently ranked 11 th in the world, with an estimated US\$4 billion to be spent in the 2019/20 financial year. ⁵⁸ The majority of this aid is given to Pacific countries, in line with the government's 'step up' policies with the region. ⁵⁹ While Australia's ODA covers many areas ⁶⁰ that are important to the establishment and maintenance of strong states with proper respect for human rights, atrocity prevention is not taken into direct account. |
| 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 | Australia has long been a supporter of the Office of the Special Advisor on the Prevention of Genocide (OSAPG), ⁶¹ both verbally and financially. During their time on the Security Council, Australia voted in favour of two resolutions (2150 and 2171) ⁶² that reaffirmed support for Special Advisors and atrocity prevention measures. ⁶³ |
| | Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system. | Very Strong | In its current tenure in the Human Rights Council, Australia has pledged to focus on five key areas: gender equality, good governance, freedom of expression, rights of indigenous peoples and national human rights institutions and other capacity building measures. ⁶⁴ |
| | Support preventive actions on atrocity crimes. | Strong | Australia's strong historical support for R2P and human rights in international and regional fora continues into its present time in the Human Rights Council. Despite some lack of will and influence in regard to specific countries or circumstances, Australia continues to give support for atrocity crime prevention. |
| | Contribute to United Nations peacekeeping operations | Weak | Australia has deployed peacekeeping forces since 1947, and a total of six multinational peacekeeping operations have been commanded by Australians. ⁶⁵ |

Australia at the Pacific Islands Forum: getting our priorities right, <https://www.aspistrategist.org.au/australia-at-the-pacific-islands-forum-getting-our-priorities-right/>.

⁵⁷ Australian Human Rights Commission, 2012. *International engagement*, <https://www.humanrights.gov.au/our-work/legal/international-engagement>; DFAT, n.d. *Human rights and the Asia-Pacific region*, <https://dfat.gov.au/international-relations/themes/human-rights/Pages/human-rights-and-the-asia-pacific-region.aspx>; Australian High Commission Mauritius, 2018. *Australia Supports Regional Human Rights Education Programme*, <https://mauritius.embassy.gov.au/plut/DisMoi2018.html>.

⁵⁸ Donor Tracker, 2019. *Australia*, <https://donortracker.org/country/australia>.

⁵⁹ Parliament of Australia, 2019. *Official Development Assistance (ODA): a quick guide*, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/Quick_Guides/OD_A; Lowy Institute, n.d. *Australian Foreign Aid*, <https://www.lowyinstitute.org/issues/australian-foreign-aid>.

⁶⁰ DFAT, n.d. *Development assistance in the Pacific*, <https://dfat.gov.au/geo/pacific/development-assistance/Pages/development-assistance-in-the-pacific.aspx>.

⁶¹ GCR2P, 2011. *ACABQ and the Firth Committee Negotiations on the Joint Office*, <http://www.globalr2p.org/media/files/report-acabq-and-fifth-committee-negotiations.pdf>.

⁶² United Nations, n.d. *United Nations Digital Library*, <https://digitallibrary.un.org/search?ln=en&cc=Voting+Data>.

⁶³ GCR2P, 2014. *Resolution 2171 (Maintenance of international peace and security – Conflict prevention) S/RES/2171*, <http://www.globalr2p.org/resources/640>; GCR2P, 2014. *Resolution 2150 (Prevention of Genocide) S/RES/2150*, <http://www.globalr2p.org/resources/623>.

⁶⁴ United Nations Association of Australia, 2019. *Human Rights Program*, <https://www.unaa.org.au/human-rights-program/>.

⁶⁵ Australian War Memorial, 2017. *Australians and Peacekeeping*, <https://www.awm.gov.au/articles/peacekeeping>.

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| | (especially those with a protection of civilians mandate). | | However, many of their contributions have been relatively small. Australia has currently 36 personnel deployed on UN peacekeeping operations. ⁶⁶ Of the four missions these personnel are assigned to, only one (UNMISS) has a protection of civilians mandate. ⁶⁷ |
| | Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping. | Strong | <p>Australia has a large and varied capacity to support and train personnel for peacekeeping and peacebuilding. Both the ADF and AFP possess facilities to better equip personnel with skills and knowledge of contemporary peacekeeping.</p> <p>The ADF Peace Operations Training Centre provides UN-accredited courses to train Staff Officers and Military Experts on Mission, as well as specific Gender Advisers.⁶⁸ The AFP's International Deployment Group receives training covering cultural sensitivities, capacity building, remote first aid and UN police training modules. It was the only police force in the world to receive recognition by the UN for its pre-deployment training programs.⁶⁹ As well as leading missions to Timor-Leste and the Solomon Islands, Australia has also mentored several Pacific nations in improving their police forces and security sector governance.</p> <p>Furthermore, Australia developed the Australian Civil-Military Centre (ACMC), a whole of government approach to coordinate peacekeeping, humanitarian relief and disaster management efforts. It is responsible for supporting the country's national action plan on the implementation of UN Resolution 1325 and integrating aspects of Women, Peace and Security into international deployments.⁷⁰ Along with the UK and Switzerland, Australia is the only country to develop guidelines on the protection of civilians and is developing a training manual to better operationalise these guidelines.⁷¹</p> <p>Despite these substantial capacities, atrocity prevention and atrocity related indicators are not specifically addressed in any current training provided by Australia.</p> |
| | Support the Kigali Principles. | Very Strong | Australia is a signatory to the Kigali Principles on the Protection of Civilians. ⁷² |
| | Support UN Security Council veto restraint on issues relating to atrocity prevention. | Very Strong | Australia is a signatory to the Security Council code of conduct regarding atrocity crimes, as well as the French/Mexican initiative on veto restraint in the case of mass atrocity crimes. ⁷³ |

⁶⁶ UN Peacekeeping, 2019. *Summary of Contributions to UN Peacekeeping by Country and Post*, p. 1, https://peacekeeping.un.org/sites/default/files/4-country_and_post_2.pdf.

⁶⁷ UN Peacekeeping, 2019. *Summary of Contributions to UN Peacekeeping by Country, Mission and Post*, p. 2, https://peacekeeping.un.org/sites/default/files/3-country_and_mission_1.pdf.

⁶⁸ Department of Defence, 2019. *Australian Defence Force Peace Operations Training Centre*, <http://www.defence.gov.au/ADC/adftc/POTC/>.

⁶⁹ AFP, n.d. *Peacekeeping in the Pacific*, <https://www.afp.gov.au/sites/default/files/PDF/peacekeeping-in-the-pacific.pdf>.

⁷⁰ ACMC, 2019. *Women, Peace and Security*, <https://www.acmc.gov.au/why-were-here/women-peace-and-security>.

⁷¹ ACMC, 2019. *Protection of Civilians*, <https://www.acmc.gov.au/why-were-here/protection-of-civilians>.

⁷² APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf.

⁷³ GCR2P, 2016. *List of supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/list-of-signatories-to-the-act-code-of-conduct.pdf>; GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.

