

Universal Periodic Review of Australia, January 2011 Report on NGO Coalition's Advocacy in Geneva

Introduction

The NGO Coalition delegation to Geneva included Ben Schokman (HRLRC), Phil Lynch (HRLRC), Les Malezer (FAIRA), Liz Snell (WLS NSW/WLSA)¹ and Jacqui Zalberg (ALHR)².

Ben and Les commenced the lobbying in Geneva on 12 January 2011 and were present for Australia's response on 31 January 2011. Liz was in Geneva from 17 – 29 January 2011. Phil was in Geneva from 19-29 January 2011. Jacqui was in Geneva from 18-22 January 2011.

Prior to the lobbying in Geneva, a high level working group of NGOs³ met regularly by teleconference to discuss the UPR process and the issues to be raised in this process. Kingsford Legal Centre (KLC), NACLC and HRLRC took on a co-ordinating role of this group, drafting the NGO Coalition's UPR report with input from the high level working group. Members of the Coalition also prepared facts sheets on the 17 thematic issues under KLC's, NACLC's and HRLRC's co-ordination.

Country lobbying

Initial contact with Geneva-based missions took place when Rachel Ball (HRLRC) was in Geneva in November 2010. Follow-up targeted emails were sent to missions in December 2010 requesting formal meetings in Geneva in January 2011. We met formally with 22 missions and spoke with a further 29 missions.

In the course of these meetings we raised all 17 thematic issues, providing copies of the NGO facts sheets and recommendations. For a copy of recommendations see: <http://www.hrlrc.org.au/files/UPR-Summary-of-Key-Issues-and-Recommendations.pdf> and further recommendations specific to Aboriginal and Torres Strait Islander peoples <http://www.hrlrc.org.au/files/Recommendations-Indigenous-Rights.doc>

Throughout our meetings we repeatedly received very positive feedback about the high quality of the NGO materials and the timely manner in which they were provided to missions (particularly in Canberra) so as to be very useful.

In addition to the 17 thematic issues, Poland was particularly interested in issues relating to health and HIV/AIDS. We provided Poland with draft recommendations relating to needle exchange programs in prisons. The Maldives was particularly interested in climate change and the NGO delegation was able

¹ WLS NSW and Liz acknowledge the generous financial assistance provided by Australian Forum of Human Rights Organisations (AFHRO), Australian Lawyers for Human Rights (ALHR), Gilbert and Tobin and Top End Women's Legal Services.

² Jacqui acknowledges the generous financial assistance provided by AFHRO and ALHR.

³³ The high-level NGO Working Group, included: Aboriginal Legal Service WA, Australian Bahá'í Community, Australian Forum of Human Rights Organisations, Australian Lawyers for Human Rights, Castan Centre for Human Rights at Monash University, Federation of Ethnic Communities' Councils of Australia, Foundation for Aboriginal and Islander Research Action, Homeless Persons Legal Clinic-Victoria, Human Rights Law Resource Centre, International Commission of Jurists – Victoria, Kingsford Legal Centre, National Association of Community Legal Centres, National Children's and Youth Law Centre, People with Disability Australia, Save the Children Australia, Victorian Aboriginal Legal Service, Women with Disability Australia, Women in Prison Advocacy Network, Women's Legal Service NSW and YWCA.

to provide information to assist the Maldives in the drafting of their statement and recommendation to Australia.

NGO side event

We provided a formal briefing to diplomats and international NGOs on 24 January 2011. The event was well attended, with representatives from countries including France, New Zealand, Norway, Jordan, Bolivia, Cuba, Malaysia and Pakistan. International NGOs such as Amnesty International and the Association for the Prevention of Torture also attended.

Following a formal presentation by Ben and Les, the delegation answered a range of questions from diplomats, including in relation to women in prison, justice re-investment, ratification of OP-CAT, police oversight and accountability, women's rights and equality, and the level of Government engagement with NGOs during the UPR process.

AHRC briefing and Australian government event

We also attended and engaged in the Australian Human Rights Commission briefing on 25 January 2011 and the Australian Government's side event "Combating Racism in Sport" on 26 January 2011.

Australia's UPR appearance

On 27 January 2011 Australia was reviewed before the United Nations Human Rights Council. Senator Kate Lundy, Parliamentary Secretary to Prime Minister and Cabinet, led the delegation (in place of Attorney General Robert McClelland due to his Emergency Management portfolio responsibilities). Delegation members included the Australian Ambassador to the United Nations, Peter Woolcott and representatives from FaHCSIA, DIAC, DFAT and AGD.

During the session, 53 countries made statements, making 145 recommendations across all 17 of the NGO Coalition's issues. A detailed analysis of Australia's UPR session was provided to NGO Coalition members and is available at: <http://www.hrlrc.org.au/content/universal-periodic-review-ngo-delegation-updates/#session-report> KLC has prepared a thematic summary of the 145 recommendations which is available at: <http://www.hrlrc.org.au/files/UPR-Recommendations-Thematic-Grouping.pdf> There were a further 17 countries on the speakers' list who were unable to make statements due to time constraints.

Collaboration with Government

The different countries intervening throughout Australia's UPR appearance repeatedly commended the Australian government for its collaborative engagement with civil society throughout the UPR process. This included seeking civil society input about: how to conduct the UPR preparation; issues that should be included in the government report; feedback about the final government report.

Additionally, following Australia's UPR session, on 28 January 2011, the NGO Coalition delegation joined the AHRC in a meeting with the Australian government delegation to discuss Australia's response to the UPR session. NACLC organised a teleconference link so that additional NGO Coalition members in Australia could join this meeting.

Frank discussion, governed by Chatham House Rules, was held.

The NGO Coalition delegation was commended for its work, particularly in engaging all countries on the speakers' list which was reflected in the final recommendations made.

Engagement with the Australian Community

The NGO Coalition sought to actively engage Australian NGOs and wider Australian community in the UPR process through a variety of mediums, including twitter, facebook, u-tube updates, written updates and media releases. There were 14 media mentions throughout the UPR process. The delegation received favourable feedback from Australian NGOs and individuals about the delegation's reports and videos from Geneva during the review. For further information see: <http://www.hrlrc.org.au/content/universal-periodic-review-ngo-delegation-updates/>.

Learnings and Reflections

Size of coalition

Of the 14 Stakeholders' reports, the NGO Coalition's was cited about 60 times in the OHCHR's 10 page compilation document, the most of any stakeholder report including the AHRC and Amnesty International. This was largely due to the size of the coalition which meant our areas of expertise covered a wide field of areas. This is significant as it meant Australian NGOs significantly influenced the issues included in the compilation report. That the NGO Coalition delegation could say it represented almost 70 NGOs was also crucial in securing meetings with missions and providing credibility during discussions with missions. There is therefore great utility in promoting very wide participation in the NGO Coalition.

Quality of NGO materials

Missions particularly commented on the quality of facts sheets which were designed with the speaker's format in mind, namely the facts sheets included questions and recommendations.

For the lobbying which took place only days before Australia's appearance the summary of recommendations in table form was most effective in concisely highlighting the issues, previous UN Considerations and suggested recommendations.

Early preparation

Missions repeatedly commended the NGO Coalition for its early provision of useful resources. Many missions referred to liaising with their missions in Canberra and the importance of having sufficient time for sign off from the capital. These comments highlight the vital importance of hosting events with missions in Australia, as took place in November 2010. Arguably, in planning future United Nations lobbying activities, more can be done to engage missions in Australia.

The HRLRC's contact with missions in Geneva in November 2010 about Australia's UPR appearance and presence at previous UPR sessions was also important in developing relationships with missions in Geneva which could be followed up by the NGO Coalition delegation.

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Lobbying in Geneva

It was also very effective to have an NGO Coalition delegation on the ground in Geneva in the weeks leading up to Australia's appearance. This allowed the Coalition to influence the different stages of the review process, including: the phrasing of questions in advance which have to be submitted 10 days before a country's UPR appearance; statements; and in particular, recommendations made. There were also countries which initially indicated they would not be speaking on Australia, then they attended the NGO briefing and did make the speakers' list. This highlights the value in trying to engage with as many countries as possible.

There was also great value in having members of the delegation with different areas of expertise, including on specific areas such as Aboriginal and Torres Strait Islander and women's rights, as well as members with diverse areas of expertise. The delegation also viewed itself as representing the broad NGO Coalition and ensured the priority issues identified by the Coalition throughout the NGO collaborative process were raised in meetings.

The connections and relationships the HRLRC has developed in Geneva were also instrumental in facilitating our advocacy work.

Maintaining a collaborative relationship with government

To date a collaborative relationship with government has been effective. Whilst not all the voluntary recommendations we called for were made, we have been informed they have been conveyed to different government departments and will be considered in future planning.

It is also hoped that by continually engaging with government they will consider the Coalition's suggestions, such as, for example, the inclusion of an AHRC representative as a member of the government's future UN delegations.

Ongoing follow-up

Ongoing follow-up is particularly important in light of the Australia Government's response on 31 January 2011 to neither accept nor reject the UPR recommendations. Rather, they agreed to consider the recommendations and will make a response in the lead up to the June HRC session.

During our time in Geneva, we met with different international NGOs to discuss effective follow-up strategies, including the "Human Rights in 100 Days" campaign. This campaign has involved large coalitions dividing up the UPR recommendations by area of expertise and each member of the coalition lobbying the government for 100 days on particular recommendations which fall within their area of expertise. This is something the Australian NGO Coalition may wish to consider.

In late February 2011 the NGO Coalition wrote to the Australian Government inquiring about the process for follow-up to the UPR recommendations.

Several members of the Coalition have started to lobby the Australian Government to accept and implement the recommendations. For example, Aboriginal Legal Services Western Australia has prepared an online petition. See: <http://www.gopetition.com/petition/43437.html> The HRLRC also wrote to the Government outlining a range of concrete actions to positively respond to and implement

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the recommendations of the UPR. See: <http://www.hrlrc.org.au/content/follow-up-to-the-universal-periodic-review-7-march-2011/> It will be important to continue this lobbying work.

On 2 March 2011, the Attorney General, the Hon Robert McClelland MP, in his Ministerial Statement about the Universal Periodic Review, tabled the 145 recommendations made in relation to Australia in Federal Parliament. Mr McClelland spoke of the Government's commitment to human rights, the need to "achieve more" and committed the Australian Government to working closely with States and Territories, the Australian Human Rights Commission and NGOs in considering "the range of recommendations made and respond to the Council in the coming months". See: http://www.attorneygeneral.gov.au/www/ministers/mcclelland.nsf/page/Speeches_2011_FirstQuarter_2_March2011-MinisterialStatement-UniversalPeriodicReview

The President of the AHRC and Commonwealth Attorney General have invited NGOs to a follow up meeting to discuss the Australian Government's implementation of UPR recommendations on 16 March 2011.

On 7 March 2011 the Australian Government announced a [public consultation](#) seeking submissions on how it should respond to and prioritise the 145 UPR recommendations. Submissions are due by 31 March 2011.

Liz Snell (WLS NSW/WLSA), Ben Schokman (HRLRC), Phil Lynch (HRLRC)
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