



# AUSTRALIA



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## **Measures taken to implement Australian Pledges made at the UNGA 67 High Level Meeting on the Rule of Law of 24 September 2012**

Australia welcomes the continued focus on the rule of law at the national and international levels by the UN. The rule of law plays a vital role not only in the establishment and maintenance of peace and democracy, but also in achieving sustainable development in supporting a clear and consistent legal framework. Australia remains committed to progressing an international order based on the rule of law, as an indispensable foundation for a more peaceful, prosperous and just world.

Australia provides an update below on measures taken to implement pledges made at the UNGA 67 High Level Meeting on the Rule of Law of 24 September.

### **1. Supporting peace and security in conflict and post-conflict situations**

<b>2012 Pledge</b>	<b>Measures taken to implement 2012 pledges</b>
a. In 2012/2013, Australia will provide a further \$12 million in core support to the United Nations (UN) Peace Building Fund over four years to strengthen institutional capacity in post-conflict countries and prevent a relapse into violence. That takes Australia's contribution to \$23 million.	Australia has implemented the pledge it made to support the UN Peacebuilding Fund.
b. In 2012/2013, Australia will provide an additional un-earmarked \$2 million to the UN Development Programme's Bureau for Crisis Prevention and Recovery to give this crisis agency the ability to be responsive and catalytic in fragile situations.	Australia has implemented the pledge it made to support UNDP's Crisis Prevention and Recovery.
c. In 2012-2015, Australia will commit \$4 million of core funding to the UN Department of Political Affairs. In 2012, Australia also committed an additional \$500,000 to DPA's mediation and post-conflict planning work in Libya.	Australia has implemented the pledge it made to support the UN Department of Political Affairs.
d. By 2014, Australia will have 500	Australia reached its target of 500

<p>highly experienced and trained civilian specialists ready to deploy at short notice to countries experiencing fragility, including to strengthen governance and legal institutions. Several of these advisers have recently deployed to Afghanistan and Sierra Leone.</p>	<p>specialists recruited to the Australian Civilian Corps (ACC) in late 2013. In its three years of operation the ACC has undertaken more than 116 deployments to more than 20 countries, the large majority of which have been to countries experiencing fragility. ACC deployments fall into two broad categories: post-disaster recovery work and deployments to strengthen governance and legal institutions. Deployments in the latter category include: election-related deployments to Papua New Guinea, Nepal, Fiji and the Solomon Islands; Indian Ocean maritime security deployments in the Seychelles; and, more broadly, governance, rule of law and peace and security deployments to Afghanistan, Sierra Leone, South Sudan and Burma.</p>
<p>e. In 2012, Australia will provide an additional \$250,000 to the <i>Women's Leadership for Peace and Security in the Greater Horn of Africa</i> to advance women's contribution to national and regional peacebuilding decision-making processes.</p>	<p>Australia has implemented the pledge it made to provide additional support to Club Madrid's 'Women's Leadership for Peace and Security in the Greater Horn of Africa' program. The program supported 40 women civil society leaders, whose networks extend to 1000 active participants from diverse backgrounds. With participants from Djibouti, Eritrea, Ethiopia, Somalia, South Sudan, Sudan and Uganda, the program linked small local coalitions of women with larger multilateral organisations such as the African Union. 10 country missions were completed through-out the region led by former Heads of State. As a result of their participation in the Club Madrid program, several of the women leaders were invited to participate in two high-level donor conferences (on South Sudan in 2011 and Somalia in 2012).</p>
<p>f. In 2013, Australia will host a regional Expert Workshop for Armed Forces on <i>Promoting military operational practice that ensures safe access to and delivery of health care in armed conflict and other emergencies</i>, as part of the</p>	<p>In December 2013 Australia co-chaired with the ICRC a global workshop on Health Care in Danger. As a product of that workshop the ICRC published a report entitled 'Health Care in Danger: Military Operational Practice to Ensure Safer Access to, and Delivery of, Health Care.</p>

<p>International Committee of the Red Cross' (ICRC) <i>Health Care in Danger</i> project.</p>	<p>The report is the culmination of the global consultations and research activities on military operational practices. This report has now fed into the second phase of the project which seeks to develop and implement strategies to improve the provision and delivery of health care in situations of armed conflict.</p>
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**2. Partnering with developing countries to support their rule of law priorities**

<b>2012 Pledge</b>	<b>Measures taken to implement 2012 pledges</b>
<p>a. In 2012-2013, Australia commits to providing \$314 million to partner developing countries to strengthen the rule of law in areas such as increasing access to justice for poor and marginalised people; ending violence against women; increasing community security; and increasing accountability in public service delivery.</p>	<p>In 2012-13, Australia provided over \$323 million to partner developing countries to strengthen the rule of law in areas such as increasing access to justice for poor and marginalised people; advancing human rights; ending violence against women and supporting women's equality; increasing community security; and increasing accountability and addressing corruption in public service delivery.</p>
<p>b. Over the next four years, Australia commits \$89 million to our Pacific Police Development Program. Under the Program, Australia works closely with 12 Pacific Island States to enhance operational policing capacity, improve police service delivery and security, strengthen community engagement and enhance justice and human rights.</p>	<p>The Australian Federal Police (AFP) through the International Deployment Group, builds the capacity of partner police agencies to deliver legitimate and accountable policing to their communities including training police, developing police management and leadership skills and the provision of infrastructure. AFP's expenditure between 2012-13 and 2015-16 is expected to be \$85.0 million.</p> <p>In particular, the AFP's Pacific Police Development Program Regional (PPDPR) supports police services in Palau, Federated States of Micronesia, Republic of Marshall Islands, Kiribati, Tuvalu, Cook Islands and Niue as well as regional policing priorities including the Pacific Islands Chiefs of Police Women's Advisory Network. The program structure provides for assistance on the areas of general and specialist operational policing, corporate reform, strategic partnerships and gender equity.</p> <p>The Attorney General's Department (AGD)</p>

	<p>delivers technical legal and capacity building assistance to Pacific Island States under the Pacific Police Development Program, a joint program with the Australian Federal Police. This has included assistance in the reform of crime and policing laws, as well as building legal policy skills and training to increase capacity of police and prosecutors, in Tuvalu, Kiribati, Tonga, Solomon Islands, Papua New Guinea, Samoa, Nauru and Cook Islands. AGD has also worked with regional law and justice institutions, including the Pacific Islands Chiefs of Police and Pacific Islands Law Officers' Network, to assist Pacific member States to identify and implement their rule of law priorities, including shared regional priorities in the focus areas of (1) sexual and gender based violence, (2) corruption and proceeds of crime, and (3) illegal fishing. AGD's expenditure between 2012-13 and 2015-16 is expected to be \$7.367 million.</p>
<p>c. By 2016, Australia commits to training 14,000 law and justice officials in developing countries to improve community safety.</p>	<p>Australia has exceeded its target as set out in pledge 2(c). In 2013-14, Australia helped train 17,939 police and other law and justice officials in developing countries to improve community safety and justice outcomes.</p>
<p>d. From 2012-2013, Australia will assist Cambodia to implement a National Crime Database and Court Register to strengthen administration of law and justice nationwide.</p>	<p>Australia has implemented this pledge. Australia, through the Cambodian Criminal Justice Assistance Partnership (CCJAP), has supported the Cambodian National Police in building a crime database. Australia has also supported the adoption of a Court Register through CCJAP. The court register was officially launched by the Ministry of Justice in 2011. Australia has supported joint training programs of court officials and judges to reinforce the utilization of the system.</p>
<p>e. Over the next two years, Australia will provide technical assistance and training to the financial intelligence units and law enforcement authorities in over a</p>	<p>Between 2012 – 2014, Australia continued its program of international capacity building with financial intelligence units (FIUs), regulatory and law enforcement agencies (LEAs) to improve regional</p>

dozen partner countries in a joint effort to identify, seize and confiscate illicit assets and proceeds of crime, to combat corruption, to disrupt financial flows of organised criminal groups, and to cooperate in identifying and sharing information about specific transnational threats.

capacity to detect and deter money laundering and terrorism financing (ML/TF) in the four regions of South East Asia, South Asia, the Pacific and Africa. Programs were designed to assist FIUs, regulators and LEAs to better detect, analyse and investigate illicit financial flows associated with the laundering of the proceeds of serious crimes (such as people smuggling, corruption, drug trafficking, and terrorism) through providers of financial services. In doing so, Australia helped strengthen institutional capacity, improve compliance with international standards, and encouraged economic stability and security, thereby, contributing to overall international anti-money laundering and counter-terrorism financing efforts.

The following programs undertaken by Australia over this period are consistent with this pledge :

***PPATK-AUSTRAC Partnership Program (PAPP)<sup>1</sup>***

Australia continues to provide technical assistance and training to develop the capacity of Indonesia's financial intelligence unit (FIU) to implement effective economic and public sector management policies to combat serious organised crime, terrorism financing and corruption. The PAPP program primarily aims to assist Indonesia's FIU (PPATK), and its partner regulatory and law enforcement bodies to effectively implement Indonesia's national anti-money laundering and counter-terrorism financing (AML/CTF) legislation.

***Financial Investigation Program at Jakarta Centre for Law Enforcement Cooperation<sup>2</sup>***

During 2012-2013, Australia provided a trainer to conduct financial investigative management training courses to law

<sup>1</sup> The PPATK-AUSTRAC Partnership Program will conclude in December 2015.

<sup>2</sup> The Financial Investigation Program at JCLEC concluded in December 2012.

	<p>enforcement agencies in Indonesia to enhance understanding of transnational crime and to outline the benefits of multi-jurisdictional cooperation in line with international law enforcement standards.</p> <p><b><i>Enhancing Capacity to Regulate the Indonesian Alternative Remittance Sector Program (EIARS)</i></b><sup>3</sup></p> <p>During 2012, Australia conducted training initiatives to develop the capacity of Indonesia's financial intelligence unit and banking sector to collectively deliver an educational awareness campaign to better regulate Indonesia's alternative remittance sector. In doing so, Australia supported the development of Indonesia's efforts to strengthen counter-terrorism financing capacity and enhance stability and security within the region consistent with the Financial Action Task Force's (FATF) recommendations.</p> <p><b><i>Strengthening AML/CTF Regulation in South Asia Program (SARISA)</i></b><sup>4</sup></p> <p>During 2012 – 2014, Australia conducted training initiatives to advance the capacity of Bangladesh, Nepal and Sri Lanka's securities and insurance sector authorities to better identify, detect and manage money laundering and terrorism financing risks that undermine the stability and security of the region's financial systems and markets. In doing so, Australia contributed to strengthening the development of AML/CTF policy frameworks in Bangladesh, Nepal and Sri Lanka consistent with international principles and good governance.</p> <p><b><i>Developing Economic Security in Pakistan Program (DESP)</i></b><sup>5</sup></p> <p>During 2013, Australia conducted training initiatives to develop the capacity of Pakistan's private sector, regulators, FIU</p>
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<sup>3</sup> The two-year Enhancing Capacity to Regulate the Indonesian Alternative Remittance Sector (EIARS) program concluded in December 2012.

<sup>4</sup> The four-year Strengthening AML/CTF Regulation in South Asia (SARISA) Program will conclude in December 2014.

<sup>5</sup> The one-year Developing Economic Security in Pakistan (DESP) Program Part II concluded in December 2013.

	<p>and LEAs to better detect, analyse and investigate the laundering of serious crime proceeds and terrorism financing. In doing so, Australia supported the development of a robust AML/CTF regime in Pakistan aimed at generating positive rule of law outcomes.</p> <p><b><i>Improving Governance in South East Asia Program (IGiSEA)</i></b><sup>6</sup> During 2012-2014, Australia continued to deliver training initiatives to develop the capacity of Cambodia, Thailand and the Philippines's FIUs, AML regulators, law enforcement authorities and anti-corruption agencies to better analyse and disseminate financial transaction reports to detect and prevent corruption-based money laundering within the region. In doing so, Australia continues to support South East Asia's regional development and approach in combating corruption and money laundering in line with international standards including the United Nations Convention Against Corruption (UNCAC).</p> <p><b><i>Pacific Governance Support Program (PGSP)</i></b><sup>7</sup> During 2012 - 2013, Australia conducted training initiatives to develop the capacity of Pacific island financial intelligence units to better collect, analyse and disseminate financial transaction reports in an effort to combat fraud, corruption, money laundering and terrorism financing activity. In doing so, Australia supported the development of a robust AML/CTF regime in the Pacific focusing on areas of integrity, transparency and accountability consistent with UN rule of law development objectives.</p> <p><b><i>AUSTRAC's Africa Rule of Law Program</i></b><sup>8</sup> During 2012 – 2013, Australia conducted training activities to develop the capacity of</p>
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<sup>6</sup> The three-year Improving Governance in South East Asia (IGiSEA) Program will conclude in June 2015.

<sup>7</sup> The three-year Pacific Governance Support Program concluded in June 2013.

<sup>8</sup> The four-year Africa Rule of Law Program concluded in June 2013.

	<p>the Eastern and Southern African region's AML authorities to better collect, analyse and disseminate financial transaction reports to detect and prevent the laundering of criminal proceeds. In doing so, Australia supported Africa's regional capacity to implement effective anti-money laundering policy frameworks in accordance with relevant UN conventions and FATF recommendations.</p> <p>Australia, also partners with countries in the region, working with our counterparts in law and justice agencies (including law enforcement authorities and financial intelligence units), to enhance efforts to combat money laundering, proceeds of crime – including corruption – and the financing of terrorism. Australia, led by our Attorney-General's Department, has partnered with Papua New Guinea, Indonesia, Pakistan, Vietnam and Sri Lanka to host professional dialogues, regional and bilateral roundtables and workshops, provide legislative reform assistance, develop policy guides, and to undertake training and other capacity building activities including prosecutor pairing.</p> <p>We have also worked regionally including participation in the Pacific Islands Law Officers Network Corruption and Proceeds of Crime Working Group to look at issues around corruption, including measures to support recovery of proceeds of corruption.</p> <p>We have also supported the establishment of the Asset Recovery Interagency Network for the Asia/ Pacific region (ARIN-AP) which is a network to help law and justice officials involved in recovery of proceeds of crime.</p>
f. In 2012-13, Australia commits \$8.5 million to work with ASEAN partners to strengthen the criminal justice response to trafficking in persons by working with law	In 2012- 13, Australia provided around \$7.5 million for broader human security programs in South East Asia. These programs addressed human trafficking, child sexual exploitation in travel and

<p>enforcement, and improving judicial and prosecutorial functions in ASEAN member countries.</p>	<p>tourism, and promoted safe and legal labour migration within ASEAN. Australia's \$50 million flagship program, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, 2013 - 2018), began in August 2013. AAPTIP builds on the achievements of Australia's Asia Regional Trafficking In Persons Project (\$21 million, 2006-2013) by strengthening criminal justice responses to trafficking at both national and regional levels in ASEAN. AAPTIP will train judges and prosecutors, and help investigators to increase convictions. It will also establish a research fund to improve the collection of statistics to inform policy. Importantly, AAPTIP will have a stronger focus on the needs of victims as they move through the criminal justice process, and on gender, reflecting the fact that trafficking affects men, women and children differently.</p>
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### 3. Gender and the rule of law

2012 Pledge	Measures taken to implement 2012 pledges
<p>a. Over the next 10 years, Australia will commit \$320 million to the Pacific Gender Equality Initiative: <i>Pacific Women Shaping Pacific Development</i>. The Initiative will increase access to justice for women in informal and formal mechanisms, improve safety through violence prevention and advance legal and regulatory reforms consistently with the <i>Convention for the Elimination of all forms of Discrimination against Women</i>. The Initiative also aims to increase the representation of women, particularly in leadership and decision-making roles, in political and governance institutions</p>	<p>Australia remains committed to this pledge. Country plans under the Pacific Women Shaping Pacific Development (<i>Pacific Women</i>) program have been developed for all Pacific countries receiving Australian aid. Activities have commenced in PNG, Kiribati, Solomon Islands, Tonga, Vanuatu, Fiji, Republic of Marshall Islands, Cook Islands and at the regional level. <i>Pacific Women</i> is working with Pacific governments, civil society organisations, the private sector, and multilateral, regional and United Nations agencies to:</p> <ol style="list-style-type: none"> <li>1. Increase the effective representation of women, and women’s interests, through leadership at all levels of decision-making.</li> <li>2. Expand women’s economic opportunities to earn an income and accumulate economic assets.</li> <li>3. Reduce violence against women and increase access to support services and to justice for survivors of violence.</li> </ol> <p>Since the launch of the program in August 2012, approximately \$19 million has been spent on specific activities and program management.</p>
<p>b. Over the next four years, Australia will provide an additional \$16.5 million to UN Women. This includes annual core funding to UN Women of \$8 million in 2012–2013, increasing to \$20 million by 2015–2016. Based on current contributions, Australia will become the second highest donor to UN Women in 2015–2016. This funding will support UN Women’s role in achieving the Millennium Development Goals and strengthening global efforts to promote gender equality and empower women. This includes</p>	<p>In 2013, the Australian Government was the fifth highest core and non-core donor to UN Women. Australia provided the following core funding: \$8 million in 2012-13; and \$8 million 2013-14. In 2014-15, Australia will provide \$8.2 million in core funding to UN Women.</p> <p>Australia is maintaining a significant aid program that supports gender equality and women’s empowerment through investments in health and education, and aid-for-trade initiatives to support self-sustaining communities, with jobs and opportunity.</p>

<p>support to UN Women's international advocacy and work with national partners to reform laws that discriminate against women, in relation to property, the family, employment and citizenship; to support women's access to justice; and to strengthen women's leadership and participation in setting and enforcing laws.</p>	<p>The aid program will also continue to target support for women's leadership and ending violence against women, in addition to ensuring that all aid programs consider issues of gender equality.</p>
<p>c. From 2012 to 2016, Australia commits \$60 million to the <i>Empowering Indonesian Women for Poverty Reduction Program</i>. Working closely with Indonesian counterparts, Australian support will target improvements to policy and regulatory reforms that constrain women's progress on poverty reduction, including women's access to governance institutions and services.</p>	<p>Australia is implementing the \$60 million <i>Empowering Indonesian Women for Poverty Reduction</i> program. From 2012 - 2014, Australia has provided approximately \$22 million in support of nine partners to conduct research, advocacy and implement innovative pilots that address the needs of poor women. This includes:</p> <ul style="list-style-type: none"><li>-partnering with the National Commission on Violence Against Women to improve public awareness and police reporting systems</li><li>-working with the Indonesian Government and the private sector to facilitate conditions for job creation for poor women.</li></ul>

**4. Continuing Australia’s commitment to international law and multilateral efforts to strengthen the rule of law**

2012 Pledge	Measures taken to implement 2012 pledges
<p>a. In 2013, Australia will deposit our instrument of ratification for the <i>Convention on Cluster Munitions</i>. Australia has enacted the necessary legislation to give effect to the Convention under domestic law. We are working to lodge Australia’s instrument of ratification and become a Party to this important Convention.</p>	<p>Australia ratified the Convention on Cluster Munitions on 8 October 2012, and the Convention came into force for Australia on 1 April 2013. The provisions of the Convention have been implemented in the Criminal Code Act 1995.</p>
<p>b. In 2012, Australia pledges to prioritise the preparation of legislation that will enable it to ratify the <i>Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 2006</i> (OPCAT).</p>	<p>The current Australian Government is considering whether it will ratify the Optional Protocol to the Convention against Torture and thus bring it into force in Australia.</p>

**5. Continuing to strengthen the rule of law in Australia**

2012 Pledge	Measures taken to implement 2012 pledges
<p>a. In 2013, Australia will appoint a National Children’s Commissioner within the Australian Human Rights Commission.</p>	<p>Australia’s first National Children’s Commissioner, Ms Megan Mitchell, was appointed in March 2013.</p>
<p>b. In 2012/2013, as part of Australia’s <i>Human Rights Framework</i>, Australia will deliver a public sector education and training package on human rights to ensure delivery services and development of policies, programs and legislation in a manner compatible with Australia’s international human rights obligations.</p>	<p>While Australia’s Human Rights Framework was a policy of the former Government and does not form part of the current Government’s policy, a package of education and training was developed and delivered to public sector officials in 2012-13 to assist in the development of policies and legislation in a manner compatible with Australia’s international human rights obligations.</p>
<p>c. In 2013, Australia will complete a comprehensive and independent <i>Review of the National Partnership Agreement on Legal Assistance to</i></p>	<p>In May 2012, ACIL Allen Consulting was commissioned by the Australian Government to review the National Partnership Agreement on Legal Assistance</p>

<p>improve access to justice for Australia’s most disadvantaged and vulnerable groups, and to strengthen the effectiveness of legal assistance service delivery. The Review will establish a robust evidence base for the development of policy and program implementation to improve legal assistance under legal aid commissions, community legal centres, indigenous legal services and family violence prevention legal services.</p>	<p>Services and the legal assistance services it funds. The review was a collaborative project with states and territories and involved extensive consultation with legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and family violence prevention legal services. The review was released in July 2014 and is available on the ACIL Allen Consulting website. Generally, it found that improvements could be implemented to better coordinate and streamline legal assistance services. The findings of the review are informing the development of future legal assistance arrangements to commence from 1 July 2015.</p>
<p>d. In 2012, with the commencement of the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i>, all new legislation before the Australian Parliament will be accompanied with a Statement of Compatibility that will outline how that legislation is compatible with Australia’s obligations under the seven core human rights treaties. Further, a Parliamentary Joint Committee on Human Rights has been established in the Australian Parliament to examine legislation for compatibility with Australia’s human rights obligations.</p>	<p>The Human Rights (Parliamentary Scrutiny) Act 2011 commenced on 4 January 2012. Since the commencement of this Act, nearly all legislation introduced into the Australian Parliament has been accompanied by a Statement of Compatibility setting out the consistency of the legislation with Australia’s obligations in the seven core United Nations human rights treaties to which it is a party. The Parliamentary Joint Committee on Human Rights was established in March 2012. Since its establishment, the Committee has tabled numerous reports examining the compatibility of all legislation introduced into the Parliament. The Committee’s reports are available at: <a href="http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights">http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights</a></p>
<p>e. In 2012, Australia will release draft legislation to consolidate Federal anti-discrimination law. The reform aims to simplify provisions, remove complexity and give greater guidance for users, particularly employers and employees. Also in 2012, Australia will launch a new <i>Anti-Racism Strategy</i>, to be implemented over the next four years.</p>	<p>The National Anti-Racism Strategy was launched in August 2012. The Strategy was developed by a partnership of government and non-government organisations, led by the Australian Human Rights Commission. The Strategy draws on the existing expertise on anti-racism and multicultural matters to successfully raise community awareness about racism being unacceptable in the community and to empower individuals and organisations</p>

	<p>through tools and resources to prevent and respond effectively to racism.</p> <p>The proposal to consolidate Commonwealth anti-discrimination laws did not receive the support of the Australian Parliament and is no longer a policy priority of the Australian Government.</p>
<p>f. In 2012, Australia will launch its first <i>National Anti-Corruption Plan</i>. While Australia has a strong record in combating corruption, we cannot become complacent. The Plan will ensure Australia is well positioned to deliver a coordinated approach to combating current and emerging corruption risks.</p>	<p>The Australian Government has a zero tolerance approach to corruption and is committed to tackling all forms of corruption.</p> <p>Pursuant to this commitment, the Government continues to consider ways to strengthen its anti-corruption framework to ensure it is effectively addressing current and emerging corruption threats. For example the government has recently instituted a range of measures to strengthen the anti-corruption framework and respond to specific corruption allegations, including:</p> <ul style="list-style-type: none"><li>• the establishment of the Fraud and Anti-Corruption Centre within the Australian Federal Police to focus on tackling serious fraud and corruption cases</li><li>• the establishment of a Royal Commission into Trade Union Governance and Corruption</li><li>• the establishment of a taskforce within the Australian Customs and Border Protection Service to respond to allegations of corruption within that service.</li></ul>