

National Human Rights Consultation Submission

AGWW-7QF3MH

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Submission Text:

Subject: How could Australia better protect and promote human rights?

Acknowledgement:

I acknowledge -

- o The opportunity, given by the Commonwealth Government, for all Australians to consult on human rights issues through Human Rights Consultations.

- o Currently, commonwealth law ensures Australians, whom are victims of serious crimes while in other countries, can have their cases heard in Australian courts. Similarly, where Australians travel to other countries to abuse children, cases can be dealt under Australian jurisdiction.

Issues:

The Commonwealth Government must be observant of a number of concerns including –

- o People in countries across the world are regularly harmed when businesses fail to respect basic human rights .

- o Where transnational corporations perpetrate human rights in other counties, Australian laws do not often deter such abuses.

- o Australia's extraterritoriality law in regards to transnational corporations does not go far enough in protecting the human rights of people in other countries.

- o Transnational corporations that are registered, or have a presence in Australia, do not come under Australia's jurisdiction when breaching human rights in other countries (other countries, that is, that have lax human rights laws and/or poor policing).

- o Often, the countries in which transnational corporations perpetrate such abuses have weak laws. Moreover, systemic corrupt practices, like bribery of officials, and the need for foreign investment, particularly in poor nations, gives rise to official ignorance of humanitarian and environmental abuses.

- o Some corporations have designed voluntary corporate social responsibility Codes of Conduct. These soft law options are not legally binding. This can mean that ensuring compliance is difficult.

- o Voluntary initiatives are dependent on the willingness of companies or governments to adopt their standards.

Recommendations:

The Commonwealth Government should –

- o Work with the international community, NGOs and other relevant stakeholders in enacting and ratifying the United Nation's Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights.

- o Enlarge extraterritoriality laws to include transnational corporations that are registered, or have a presence, in Australia (The Corporate Code of Conduct Bill 2000 (Cth) could be used as a template).

o Implement mandatory corporate social responsibility models of Code of Conduct that transnational corporations that are registered, or that have a presence, in Australia, must abide.

o Enact strong sanctions on transnational corporations that are registered, or have a presence, in Australia, if they indulge in human rights abuses in Australia or abroad.

o Work together with NGOs like Human Rights Watch in developing clear standards governing business conduct and to ensure national authorities adequately regulate companies and hold responsible those who commit abuses.