

Monitoring and evaluation of outcomes

Current level of monitoring and evaluation

Australia's human rights dialogues

- 6.1 The Department of Foreign Affairs and Trade (DFAT) noted the difficulty linking specific improvements in human rights to Australia's human rights dialogues, stating:

While our dialogues contribute to change through information exchange, technical assistance and capacity-building, and awareness-raising, we are realistic about attributing specific human rights outcomes solely to specific dialogues. Assessing the direct impact of dialogues on positive developments in partner countries is difficult. The process of change on human rights issues is incremental and is the result of a range of contributing factors including internal developments in the countries concerned. Where positive changes in dialogue partners' approach to human rights do happen, these changes are almost always the result of a combination of factors...¹

¹ Department of Foreign Affairs and Trade, *Submission No. 20*, p. 17.

6.2 DFAT elaborated:

We are careful, though, and realistic about attributing a specific human rights improvement to the fact that we raised it in the dialogue. We like to think that that has had an impact. We think the fact that we raised them in those dialogues, as we do in other multilateral gatherings, helps but it is very hard to say, 'Because we raised it, there was X outcome.'²

6.3 DFAT noted, however, that it did make qualitative judgements about the dialogues, stating:

...there are things that we can point to and it is more qualitative than quantitative. We do judge it by things such as the frankness of the dialogue and our ability to raise and pursue all issues of concern, including individual cases. That has improved over time.³

6.4 In relation to outcomes from the Australia-China dialogue, DFAT was of the view that raising individual cases of concern has led to positive outcomes:

We do get feedback from released prisoners and from the reports we read from NGOs that suggest that those prisoners who are subject to international attention, including from foreign governments, are more likely to receive better treatment than otherwise – meaning that, in some cases, their sentences may be reduced. But we obviously have to be cautious in drawing too much of a causal link to that.⁴

6.5 DFAT also commented that raising individual cases of concern as part of the Australia-Vietnam dialogue may have led to individuals being released from prison but noted that:

It is difficult to draw a direct link between specific representations made in the HRD [human rights dialogue] context and releases of individuals on our cases of concern lists, although international representations on such cases do play a role.⁵

2 Ms Bird, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 4.

3 Ms Bird, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 4.

4 Dr Smith, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 4.

5 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 19.

Human Rights Technical Cooperation Programs

- 6.6 As noted in Chapter two, the human rights dialogue includes a Human Rights Technical Cooperation (HRTC) program.⁶
- 6.7 In its submission, DFAT observed that the HRTC program is monitored by the Australian Human Rights Commission (the Commission):
- Each activity that takes place under one of the HRTC programs is monitored and reported on by both the Australian Human Rights Commission and the relevant Chinese or Vietnamese partner agency.⁷
- 6.8 The Commission was of the view that ‘technical cooperation in human rights is an important vehicle for achieving practical outcomes from the human rights dialogue process.’⁸
- 6.9 In its submission, the Commission provided a list of some key outcomes from the activities of the China and Vietnam HRTC Programs.⁹
- 6.10 Also noted in Chapter two, an independent review of the HRTC programs was undertaken in 2010-11.¹⁰
- 6.11 The Commission acknowledged that there was scope to have a stronger focus on monitoring and evaluation, stating:
- Whilst I consider the China and Vietnam technical cooperation programs to be good programs and reasonably well managed, there is a lot of scope for improving and strengthening them to have a stronger focus on outcomes and better monitoring and evaluation to measure to those outcomes. That is what we are working very closely on with AusAID at the moment.¹¹

Community perceptions of monitoring and evaluation

- 6.12 Many non-government organisations, ethnic community groups and individuals expressed concerns about the perceived lack of any monitoring and evaluating of dialogue outcomes.

6 See paragraph 2.6, Chapter 2.

7 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 17.

8 Australian Human Rights Commission, *Submission No. 17*, p. 7.

9 Australian Human Rights Commission, *Submission no. 17*, pp. 8-37.

10 See paragraph 2.129, Chapter 2.

11 Mr Robinson, Australian Human Rights Commission, *Transcript*, 1 February 2012, pp. 3-4.

- 6.13 The Australia Tibet Council (the Council) said that it believes there is no attempt to monitor and evaluate outcomes:

...Australia's approach to the dialogue has no articulation of expected outcomes, no time line over which progress might be measured, no benchmark for measuring success and no evaluation process. So this raises the question: is this dialogue an end in itself?¹²

- 6.14 The Australian Council of Trade Unions (ACTU) held the view that at present there is no means of determining if the dialogues 'contribute to any tangible outcomes.'¹³

- 6.15 The Australian Council for International Development (ACFID) told the Committee that without objectives and benchmarks, the dialogues may not contribute to human rights progress:

Without clear objectives, timelines for desired outcomes and benchmarks for evaluation, countries may participate in a bilateral dialogue process as a means to avoid public condemnation of their human rights record. Australia risks compliance in a dialogue process that offers only an illusion of progress on human rights issues, rather than contributing to authentic improvements in human rights.¹⁴

- 6.16 The Australian Baha'i Community called for reporting that was focused on outcomes. They noted that such reporting:

...could be achieved by setting benchmarks for the dialogue, against which progress and outcomes could be measured and reported.¹⁵

- 6.17 Civil Liberties Australia (CLA) held the view that DFAT does not measure the outcomes of the dialogues appropriately, stating:

[DFAT] cannot measure it because [DFAT] has not done the work in the first place to put in place the proper objective measures that are possible. They are difficult but they are possible. You cannot have a department that measures its ability to operate by 'I think we have some successes'.¹⁶

12 Ms Kyinzom, Australia Tibet Council, *Transcript*, 5 September 2011, p. 1.

13 Australian Council of Trade Unions, *Submission No. 13*, p. 1.

14 Australian Council for International Development, *Submission No. 14*, p. 6.

15 Australian Baha'i Community, *Submission No. 12*, p. 5.

16 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 3.

- 6.18 The Council and the Vietnamese Community in Australia (VCA) specifically commented on the outcomes of the human rights dialogues with China and Vietnam.
- 6.19 The Council noted its perception that the Australia-China dialogue has not achieved any outcomes in Tibet since 1997:
- It has not seen a tangible outcome from the dialogue process on the human rights situation in Tibet which in fact has only worsened over the years.¹⁷
- 6.20 The VCA said that in their view, the outcomes recorded in the Australia-Vietnam human rights dialogue were in areas peripheral to improving human rights, stating:
- ...we read the so-called outcomes of this dialogue over a long time, and what we noticed was they seem to emphasise the improvement of human rights in the so-called peripheral areas, such as education, health and so on. They are all important. However, one of the most important things in dictatorial regimes and regimes of concern is the voice of the people, and the independence of the media.¹⁸

Community suggestions for enhanced monitoring

- 6.21 Several groups suggested that Australia enhance its monitoring of progress in human rights. Many of these suggestions, however, are focused on monitoring human rights more broadly than the dialogues.
- 6.22 The Committee to Protect Vietnamese Workers (CPVW) suggested that DFAT monitor the human rights situations of China and Vietnam directly:
- DFAT should provide appropriate resources to ensure that there are in-country officials for whom human rights monitoring is a key part of their duty statement.¹⁹
- 6.23 The CPVW added that monitoring should give high priority to providing information on how and whether the Dialogues, plus other rights-related activities, are progressing towards their aims.²⁰
- 6.24 The CPVW told the Committee that this monitoring should focus on sources independent from the Vietnamese government:

17 Australia Tibet Council, *Submission No. 4*, p. 3.

18 Mr P Nguyen, Vietnamese Community in Australia, *Transcript*, 24 February 2012, p. 16.

19 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 10.

20 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 10.

The monitoring should aim to rely less on information sources associated with the host-country authorities (ministries and, in the case of Vietnam, bodies under the Communist Party's Fatherland Front, such as the Women's Union) and more on other information sources.²¹

6.25 The CPVW added:

- Officials conducting monitoring should establish lines of communications with reputable NGOs not associated with the authorities. These organisations, such as Amnesty International, Human Rights Watch, etc., can then provide not just their widely-available reports but also, as trust is gained, useful information not in such reports;
- Officials conducting monitoring should talk to ordinary citizens of the countries;
- Officials conducting monitoring should, in particular, talk to a wide range of victims of the denial of rights;
- Officials conducting monitoring should – as part of the above – talk to families of political prisoners, to learn about the situation in jail and to learn their side of the story.²²

6.26 ACFID suggested a similar set of indicators with which to monitor human rights progress in China and Vietnam:

International NGOs including Human Rights Watch and the International Federation for Human Rights have suggested meaningful and realistic indicators for human rights dialogues that would demonstrate a commitment to achieving human rights outcomes. In summary these include:

- Ratification and implementation of all UN human rights instruments;
- Promotion of civil and political and economic, social and cultural rights at a community, regional and national level;
- Unhindered access by UN human rights and humanitarian agencies and independent monitors;
- Compliance with the UN safeguards guaranteeing the rights of those facing the death penalty as a first step towards abolition of the death penalty.²³

6.27 ACFID also noted that the Universal Periodic Review (UPR) process of the United Nations Human Rights Council provides a means to monitor human rights progress:

21 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 10.

22 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 10.

23 Australian Council for International Development, *Submission No. 14*, p. 12.

...we think that you could use the universal periodic review framework, which is precisely figuring out what the major human rights issues are in a country and how they are progressing over time.²⁴

- 6.28 The Australian Baha'i Community took a similar view on monitoring to ACFID, telling the Committee that Australia should utilise as many resources as possible to monitor human rights:

Australia should draw on a wide range of sources including first-hand observations from its delegations, reports of UN special rapporteurs and working group delegations, the Universal Periodic Review process of the UN Human Rights Council, NGO reports, media reports, and reports from independent sources within the countries with which the dialogues are held.²⁵

- 6.29 The Baha'i Community also suggested that 'NGOs have the potential to play a role in the monitoring' of human rights outcomes.²⁶

Community suggestions for measuring outcomes

- 6.30 A number of groups suggested that Australia measure outcomes by establishing objectives and benchmarks for its human rights dialogues.

- 6.31 The ACTU suggested a greater focus on outcomes, recommending:

...that the dialogues be restructured in such a way as to improve accountability and to ensure that they engender real value, with measurable indicators of success.²⁷

- 6.32 ACFID recommended the development of objectives and benchmarks, suggesting:

...the development of aims and strategies to achieve desired objectives and measurable benchmarks for each dialogue session on a case-by-case basis.²⁸

- 6.33 The Australian Baha'i Community agreed that benchmarks are required to measure outcomes, stating:

24 Dr Harris-Rimmer, Australian Council for International Development, *Transcript*, 11 October 2011, p. 2.

25 Australian Baha'i Community, *Submission No. 12*, p. 6.

26 Australian Baha'i Community, *Submission No. 12*, p. 2.

27 Australian Council of Trade Unions, *Submission No. 13*, p. 1.

28 Australian Council for International Development, *Submission No. 14*, p. 6.

...the human rights dialogue process will be most effective if clear benchmarks are established against which progress can be measured and evaluated. The benchmarks used should set out practical objectives and go into specific detail, rather than being limited to theoretical or general statements of intent.²⁹

- 6.34 The Council also recommended that objectives and benchmarks be developed so that outcomes can be effectively measured:

The dialogue should be results-oriented and include concrete, time-bound objectives. Each dialogue should have focused objectives and clear detailed benchmarks against which objectives and progress can be measured and based on international human rights standards.³⁰

- 6.35 The Vietnam Committee on Human Rights held the view that any benchmarks 'should be achieved within a determined time-frame wherever possible.'³¹

- 6.36 Ms Dao and CLA also recommended that benchmarks be established.³²

- 6.37 The VCHR noted that the European Union (EU) 'has issued its own set of benchmarks' and guidelines for its human rights dialogues.³³

- 6.38 ACFID suggested that Australian officials should take advantage of the benchmarking that has been done by the EU, stating:

ACFID notes that on some issues of concern, particularly in regard to identifying unambiguous objectives, the EU has made some initial progress. As a means to learn lessons from European associates, Australian agencies should play an active role in requesting information from EU colleagues on human rights matters and dialogue outcomes regarding China, Iran and Viet Nam.³⁴

- 6.39 The VCHR also recommended that Australia draw objectives from the EU benchmarks:

29 Australian Baha'i Community, *Submission No. 12*, p. 6.

30 Australia Tibet Council, *Submission No. 4*, p. 12.

31 Vietnam Committee on Human Rights, *Submission No. 19*, p. 4.

32 Ms Dao, *Submission No. 2*, p. 9; Civil Liberties Australia, *Submission No. 1*, p. 2.

33 Vietnam Committee on Human Rights, *Submission No. 19*, p. 4. For a list of the EU benchmarks, see Joint Standing Committee on Foreign Affairs, Defence and Trade, *Australia's Human Rights Dialogue Process*, September 2005, Commonwealth of Australia, Appendix F.

34 Australian Council for International Development, *Submission No. 14*, p. 10.

A set of specific objectives (even minimal ones) should be set for each human rights dialogue, based on these benchmarks for measuring progress.³⁵

- 6.40 The VCHR further said that 'NGOs and MPs should receive the list of specific objectives and benchmarks.'³⁶
- 6.41 The VCA stressed that any outcomes identified must be made public, recommending that:
- If evaluation and assessment fail to identify any tangible positive outcomes by the Vietnamese government then we want the public and the parliament to know about and assess that evaluation.³⁷
- 6.42 The Democratic Party of Vietnam suggested that the involvement of Vietnamese and Chinese NGOs could 'serve as a benchmark that measures progress in the improvement of human rights.'³⁸
- 6.43 In response to these proposals, DFAT commented that it had 'trawled through the various submissions you [the Committee] have received and I do not think we have found any specific benchmarks that might be of help.'³⁹

Broader human rights principles

- 6.44 CLA saw Australia's international activities more generally as lacking any kind of human rights guiding principles or framework, stating:
- We would argue that, before you can have a human rights dialogue with China and Vietnam, you have to know pretty well what your human rights positions are, what the core principles in Australia are and what the core principles that we project and wish to talk to other nations about. In the absence of this, it is very difficult to have a human rights dialogue with China and Vietnam that has any meaning whatsoever. It is even very hard for the department and its secretary to put measurable objectives in place in [its] annual report...⁴⁰

35 Vietnam Committee on Human Rights, *Submission No. 19*, p. 4.

36 Vietnam Committee on Human Rights, *Submission No. 19*, p. 4.

37 Mr P Nguyen, Vietnamese Community in Australia, *Transcript*, 24 February 2012, p. 16.

38 Democratic Party of Vietnam, *Submission No. 24*, p. 4.

39 Ms Bird, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 4.

40 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 1.

- 6.45 CLA noted that, in the absence of ‘proper objective measures’ of success, any evaluation of outcomes is essentially impossible.⁴¹ They said that the first step towards developing these measures is the formal articulation of the human rights values Australia seeks to project internationally:

...our argument would be that this development of a human rights framework, which has been done nationally but is nowhere near in place yet, needs to be done with an overlay of our international wishes and desires and where we want to go with human rights internationally – where we want to project ourselves, where we want to put emphasis and where we do not. We would suggest that it springboards off any Australian framework but has a distinct element of itself which is international. We would suggest very strongly that it starts with a focus on the Pacific region, because that is our area of the world, and we do it for that region only, as a test.⁴²

- 6.46 The CLA proposed the development of a white paper on human rights:

...our proposal is that there is a white paper/green paper ... development and that it come out of this committee. This committee could drive it or it could be driven from elsewhere – it could be driven by the new human rights committee in general.⁴³

Committee comment

- 6.47 The overall perception from NGOs, civil society organisations, ethnic community groups and individuals is that more needs to be done to monitor and evaluate the outcomes of Australia’s human rights dialogues. The general view of these groups is that this would best be achieved through the development of aims, objectives and benchmarks for Australia’s human rights dialogues.

41 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 3.

42 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 4.

43 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 1.

- 6.48 Adequate performance information on the effectiveness of the human rights dialogues will enable DFAT 'to provide sound advice on the appropriateness, success, shortcomings and/or future directions' of the program.⁴⁴
- 6.49 The Committee notes the work undertaken by the Australian Government to develop Australia's Human Rights Framework. The Committee also notes that an independent National Human Rights Consultation Committee was appointed to conduct the National Human Rights Consultation that fed into the development of the Framework.
- 6.50 The Committee believes that this process was worthwhile and therefore recommends that the Australian Government establish a panel of experts to develop a set of principles, objectives and benchmarks for each of Australia's human rights dialogues. The panel should conduct an overall review of the effectiveness of the dialogues every three years.
- 6.51 The panel should consult extensively with human rights groups, ethnic community groups, NGOs and other interested groups and individuals within Australia's human rights caucus.
- 6.52 The report should be made available for comment from NGOs and the wider community before it is finalised. The report should be made public once it is complete.

Recommendation 9

The Committee recommends that the Department of Foreign Affairs and Trade convene a panel of experts to produce a report that outlines a clear set of principles, aims and benchmarks for each of Australia's human rights dialogues. The panel should conduct an overall review of the effectiveness of the dialogues every three years.

44 Australian National Audit Office, *Audit Report No.5 2011-12, Development and Implementation of Key Performance Indicators to Support the Outcomes and Programs Framework*, September 2011, p. 13.