

EXECUTIVE SUMMARY

1. The need to understand and respect human rights has become particularly pertinent for Australians in recent times. Australia's credibility in the region—as it seeks to protect and promote human rights—is in danger of being undermined. Without the support of Australians who maintain respect for human rights at home and abroad, no government will be a confident advocate for the rights of those among our neighbours who are most vulnerable.

2. Within the Asia Pacific region there is ongoing debate about the relevance of the United Nations and its foundation human rights documents, including the Universal Declaration of Human Rights. Challenges to the universality and indivisibility of human rights through arguments for particular cultural and development considerations are the main subject of discussion in Chapter Two of the report.

3. The place of human rights in Australia's foreign policy, and the approach taken by Australian governments to the promotion and protection of human rights is the basis of Chapter Three. A survey of the nature and depth of human rights dialogue with many of our neighbours is contained in Chapter Four. The Committee has not attempted to canvass the human rights situation in each country. What it has sought to provide is a summary of the challenges to human rights in many countries and a review of the kinds of dialogue that have begun in response to that. In doing so, the Committee has identified some areas where there have been successes, and other areas which require a greater level of commitment to dialogue.

4. In the wake of the Asian economic crisis, the impact of human rights violations on regional security and stability has come into focus, and this is discussed in Chapter Five. In the Committee's view there is great scope for improving awareness of human rights where that essential link with stability is made clear.

5. The Asia Pacific has a poor record of commitment to the United Nations human rights treaties. Fewer than one quarter of countries have ratified all the major instruments, and even where countries have accepted the instruments there is some way to go in terms of implementing them. Chapter Six examines the extent and the impact of ratification of the human rights treaties in the region.

6. The Committee is aware that Australia has made a positive contribution to regional dialogue on human rights, particularly by way of assistance to the development of national human rights institutions through funding, and support provided by the Human Rights and Equal Opportunity Commission. There is a perception, however, that Australia's effectiveness in its human rights dialogue is waning. This may or may not be the case, but all players in Australia's human rights activities appear to concede that there is room for improvement, for a greater contribution to be made by Australia.

7. In Chapter Seven the Committee outlines areas where Australia has the opportunity to improve the effectiveness of its dialogue. As the first and most basic step, the Committee urges the Australian government to renew its commitment to promote respect for human rights—within Australia and the region. Further, the Committee emphasises the need

to develop human rights education in Australia, as the background to all our human rights activities. The opportunities presented by the 50th anniversary year of the Universal Declaration on Human Rights, and the United Nations Decade for Human Rights Education should be seized without further delay.

8. Activities which would help to strengthen Australia's credibility as a promoter of human rights in the region, and which increase awareness of human rights in Australia, have been outlined in this report. Not all of these involve major funding considerations, and some do not involve additional funding at all. What they do require is a level of commitment, coordination and collaboration which, regrettably, has not always been evident in Australia's human rights activities over the last decade.

9. There needs to be a willingness to see, and take up, each opportunity that is presented, in order to raise and promote human rights issues in the region. In this regard, a number of witnesses stressed to the Committee how important it is to 'seize the moment' and emphasise to the new government in Indonesia that the human rights of its people and the East Timorese people be respected.

10. The Committee has suggested a number of options, or recommendations, the more ambitious of which may only be brought to fruition in the longer term. However, they have the potential for a profound impact on the promotion of human rights by Australia. These options include the appointment of an Ambassador for Human Rights and a national committee for human rights education. Acceptance of the first of these options would provide Australia with a focal point and a voice for development and coordination of human rights activities within Australia and beyond. Acceptance of the second option would lay a firm foundation within Australia for an increased knowledge and understanding of human rights and, over time, for a more effective contribution to human rights beyond our shores.

LIST OF RECOMMENDATIONS

The Committee recommends that:

Chapter 2

1. The Australian government give consideration to acceptance of the draft Universal Declaration of Human Responsibilities, provided that the final document is seen to complement the Universal Declaration of Human Rights and not to derogate from it.
2. The Australian government establish formal coordination mechanisms between the Department of Foreign Affairs and Trade, AusAID and the new Centre for Democratic Institutions.
3. The Australian government develop a Centre for Dialogue and Cooperation to be established outside traditional government and academic structures.

Chapter 3

4. AusAID increase the emphasis on human rights in the overseas aid program by including the following measures:
 - (a) establishing a human rights policy for AusAID;
 - (b) introducing human rights training for all AusAID staff; and
 - (c) including the issue of human rights in policy dialogue between AusAID and aid recipients.
5. AusAID:
 - (a) incorporate relevant international human rights instruments into program design;
 - (b) develop a program of human rights education with aid recipient governments in the region; and
 - (c) invite contribution from NGOs and consultants to assist in developing a policy on conditionality of aid. This policy should be explained to recipient countries before the grant of aid.

Chapter 4

6. In respect of human rights dialogue with China:
 - (a) the Australian government consider the inclusion of an independent human rights expert in any future Australian delegations to China; and
 - (b) the Australian government liaise and coordinate, so far as practicable, with other countries engaged in bilateral dialogue with China on human rights.

7. The Australian government examine the possibility of playing a mediating role in respect of initiating dialogue between the Chinese government and the Dalai Lama.
8. The Australian government continue to pursue actively in its dealings with the new Indonesian government its support for a solution to the difficulties in East Timor that is just, equitable and in the best interests of the people of East Timor.
9. The Australian government consider the inclusion of conditions relating to political reform and the observance of human rights in future development assistance to Indonesia.
10. Consideration be given by the Australian government to the possibility of using the human rights initiatives undertaken in Vietnam as a model for use in programs with other countries in the region.
11. The Australian government give consideration to including dialogue on human rights issues in its dialogue with Thailand, and in development assistance provided to Thailand.

Chapter 5

12. The Australian government raise the issue of the inappropriate use of national security laws in its bilateral dialogue with countries in the region, and also at the UN Commission on Human Rights, with a view to the Commission establishing an investigation into such use and the development of guidelines setting out the circumstances in which their use would be justified.
13. The Australian government consider including human rights considerations in the assistance it provides to countries in the region in the wake of the Asian economic crisis.
14. The Australian government review the human rights implications of Australia's defence co-operation with other countries and establish guidelines which prohibit any defence co-operation which could contribute to the recipient forces internal security function.
15. The Australian government review the operations of its defence co-operation program with a view to providing assistance to the governments of regional countries in provision of training for the military in international human rights law.
16. The Australian government consider evaluating the capacity of ASEAN and the ARF to play a role in the promotion and protection of human rights in the region, and where appropriate, advocate the assumption of such a role by those institutions.

Chapter 6

- 17. The Australian government review the procedures in place for complying with reporting obligations under international treaties and take steps to ensure that those obligations are met in as timely and complete a manner as possible.**
- 18. The Australian government examine the possibility of enacting legislation to prohibit the engagement of Australians or Australian companies in exploitative child labour in other countries, and the import into Australia of goods made by exploitative child labour.**
- 19. The Australian government review the role of APEC in respect of social and human development, and Australia's participation in that role, with a view to raising in that forum the issue of human rights for workers.**
- 20. The Australian government review its participation in the International Labour Organization, with a view to enhancing its support for the Organization, particularly in its work on child labour.**
- 21. The Australian government pursue the ratification of international instruments as a major objective of its human rights policy in the region and, in implementing that policy, provide relevant assistance in the form of expertise, grants and education, to those countries that seek to ratify and comply with those instruments.**

Chapter 7

- 22. The Australian government review its National Action Plan on human rights with the aims of auditing implementation of the Plan and establishing means by which Australia may assist and encourage other states in the region to draft and implement national action plans.**
- 23. The Australian government both initiate its own proposals and give favourable consideration to outside proposals that accord with United Nations guidelines and recommendations to mark the United Nations Decade for Human Rights Education and the 50th anniversary of the Universal Declaration of Human Rights.**
- 24. The Australian government ensure that the mandate of the Centre for Democratic Institutions allows for the establishment and maintenance of a focus on human rights generally, and dialogue on human rights in particular.**
- 25. The Australian government give consideration to the appointment of an Ambassador for Human Rights with responsibility, among other things, for the development of policy and programs on the promotion and protection of human rights.**

26. The Australian government review its relationship with non-government organisations involved in human rights, including matters such as the adequacy of funding, and the degree of consultation and participation it offers.
27. The Australian government convene discussions with NGOs and the corporate sector with a view to establishing agreement on a co-operative approach to the promotion and protection of human rights, including the development of voluntary codes of conduct for the protection of human rights.