
The Parliament of the Commonwealth of Australia

More than just talk

Australia's Human Rights Dialogues with China and Vietnam

Joint Standing Committee on Foreign Affairs, Defence and Trade

June 2012
Canberra

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Foreword

During the course of this inquiry, it was clear that the wide range of non-government organisations (NGOs), ethnic community groups and interested individuals that made a submission or gave evidence at a public hearing held a number of concerns about Australia's bilateral dialogues with China and Vietnam.

Submitters were critical of the Department of Foreign Affairs and Trade's (DFAT) engagement with NGOs, in particular saying that it has been ad hoc to date. They were also critical of the current level of reporting on the human rights dialogues as well as the monitoring and evaluation of outcomes.

The observations above notwithstanding, it was clear that submitters was supportive of Australia's bilateral human rights dialogues providing that it formed part of a multifaceted approach to human rights advocacy. Indeed, many groups and individuals suggested that Australia expand the number of countries with which it holds dialogues, calling for Australia to re-establish its human rights dialogue with Iran and consider initiating a dialogue with Sri Lanka, Cambodia, Indonesia, Malaysia, Papua New Guinea, Burma and Fiji. Furthermore, the NGOs and ethnic community groups made a number of suggestions aimed at improving and strengthening the dialogue process.

Submitters were also very supportive of increasing parliamentary participation in the dialogues, arguing that it would enhance the process considerably. Many of the community groups called for greater participation by NGOs and civil society organisations from Australia, China and Vietnam. These groups also suggested that the dialogues be made more transparent through wider and more detailed reporting, and called for the establishment of aims and benchmarks so that the outcomes of the dialogues can be effectively measured and reported.

The Committee believes that it is constructive to be talking to other countries about Australia's perspective on human rights, providing that measures are put in place to enhance the effectiveness of the dialogues, that NGOs are actively engaged in the dialogue process, that parliamentarians participate, and that the human rights dialogues are considered as one mechanism which is to be utilised as part of a suite of other mechanisms.

The Committee has therefore recommended that the Australian Government continue to support the human rights dialogue process, look towards establishing a bilateral dialogue with Sri Lanka and consider re-establishing the human rights dialogue with Iran.

To enhance the participation of NGOs in the dialogue process, the Committee made two recommendations: that DFAT host a biennial meeting with NGOs to discuss the human rights dialogues; and the establishment of a human rights web portal as a central access point for all Australian Government human rights information and activity. Creating a human rights web portal would have a number of additional benefits. In particular, it would provide an online hub for ongoing engagement between the public and DFAT on matters relating to the dialogues and increases the transparency of the dialogues as well as Australia's broader human rights advocacy.

To further increase transparency, the Committee recommended that DFAT enhance how it reports on the dialogues in its Annual Report to include a list of dialogue participants, the topics discussed by both sides, and the key outcomes and achievements of each dialogue.

In order to ensure that the human rights dialogues are properly monitored and evaluated on an ongoing basis, the Committee recommends that the Australian Government establish an independent Human Rights Dialogue Consultation Committee to develop a set of principles, objectives and benchmarks for Australia's human rights dialogues. The Committee has also recommends that the consultation committee meet each time a human rights dialogue is held and conduct an overall review of the effectiveness of the dialogues every three years.

Lastly, the Committee calls for greater parliamentary participation in the dialogues, recommending that the Committee receive briefings from the participating agencies prior to and after each dialogue is held.

The Committee would like to sincerely thank all of the NGOs, peak bodies, and concerned ethnic community groups and individuals for generously donating their time, effort and resources to make submissions and appear at public hearings. The high level of engagement by NGOs, concerned ethnic community groups and individuals has been one of the most pleasing aspects of this inquiry. I would also like to thank my hard working colleagues on the Committee who are dedicated advocates for human rights both domestically and internationally.

I would also like to thank the Committee secretariat for their work during this inquiry and in producing this report.

Hon Laurie Ferguson MP
Human Rights Sub-Committee Chair

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	Mr Michael Danby MP (from 1/07/11)	
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Terms of reference

The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade will inquire and report on the effectiveness of Australia's Human Rights Dialogues with China and Vietnam with particular reference to:

- parliamentary participation and oversight;
- involvement of non-government organisations;
- the roles and obligations of participating agencies;
- reporting requirements and mechanisms;
- the monitoring and evaluation of outcomes including an assessment of whether any human rights reforms within those countries have been obtained;
- whether this dialogue mechanism should be adopted with other countries;
- exploring options for alternative human rights mechanisms.



List of abbreviations

ABC	Australian Broadcasting Corporation
ACFID	Australian Council for International Development
ACTU	Australian Council of Trade Unions
AFP	Asia-Pacific Forum of National Human Rights Institutions
AGs	Attorney-General's Department
AHRC	Australian Human Rights Commission
ASEAN	Association of Southeast Asian Nations
ATC	Australian Tamil Congress
AusAID	Australian Agency for International Development
CHOGM	Commonwealth Heads of Government Meeting
CLA	Civil Liberties Australia
Commission (the)	Australian Human Rights Commission
Committee (the)	Joint Standing Committee on Foreign Affairs, Defence and Trade
COPE	Cooperative Orthotic and Prosthesis Enterprise
Council (the)	Australia Tibet Council

CPVW	Committee to Protect Vietnamese Workers
CSOs	Civil Society Organisations
DEEWR	Department of Education, Employment and Workplace Relations
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
Dialogues (the)	Australia's Human Rights Dialogues
EU	European Union
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FDA	New South Wales Falun Dafa Association
HRD	Human Rights Dialogues
HRGS	Human Rights Grants Scheme
HRTC	Human Rights Technical Cooperation
ICJ	International Commission of Jurists
ILO	International Labour Organisation
JSCFADT	Joint Standing Committee on Foreign Affairs, Defence and Trade
MP	Member of Parliament
NGOs	Non-government Organisations
ODA	Official Development Assistance
OHCHR	United Nations Office of the High Commissioner for Human Rights
PCF	Prisoners of Conscience Fund
PEN	Poets, Essayists and Novelists

Sub-Committee (the)	Human Rights Sub-Committee
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review
US	United States of America
UVBC	Unified Vietnamese Buddhist Congregation of Australia and New Zealand
VCA	Vietnamese Community in Australia
VCHR	Vietnam Committee on Human Rights
VGCL	Vietnamese General Confederation of Labour
WTO	World Trade Organisation



List of recommendations

2 Australia's Human Rights Dialogues

Recommendation 1

The Committee recommends that the Australian Government continue to support the human rights dialogue process.

Recommendation 2

The Committee recommends that the Australian Government consider re-establishing its bilateral human rights dialogue with Iran.

Recommendation 3

The Committee recommends that the Department of Foreign Affairs and Trade and the Attorney General's Department ensure that all relevant staff receive human rights education and training. The Department of Foreign Affairs and Trade should also ensure that human rights monitoring is an integral part of the duty statement for its diplomatic staff.

3 Parliamentary participation and oversight

Recommendation 4

The Committee recommends that the Chair and Deputy Chair of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, or their nominees, participate in the Human Rights Dialogues as members of Australia's delegations. Participation must be properly funded and facilitated.

Recommendation 5

The Committee recommends that the Department of Foreign Affairs and Trade and the Attorney General's Department provide a briefing to the Human Rights Sub-Committee, of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as soon as practicable prior to and after each human rights dialogue.

4 Involvement of non-government organisations

Recommendation 6

The Committee recommends that the Australian Government establish a human rights web portal that provides a central access point for all human rights matters for the Australian Government, non-government organisations, civil society, the diaspora communities in Australia, and concerned individuals.

Recommendation 7

The Committee recommends that the Australian Government establish a biennial meeting, to be held alternately in Melbourne, Sydney, and Brisbane, with non-government organisations, civil society, the Diaspora communities in Australia, and concerned individuals to discuss Australia's human rights dialogues.

5 Reporting requirements and mechanisms

Recommendation 8

The Committee recommends that the Department of Foreign Affairs and Trade enhance its reporting of Australia's human rights dialogues in its Annual Report. At the very minimum the report should include:

- a list of dialogue participants;
- a list of issues raised at the dialogues about each country; and
- a note of the key outcomes or achievements.

6 Monitoring and evaluation of outcomes

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.

7 Adopting a bilateral human rights dialogue with other countries

Recommendation 10

The Committee recommends that the Australian Government should make representations to the Sri Lankan Government to open a formal human rights dialogue. A human rights technical cooperation program should also be established in conjunction with the dialogue.

8 Complementary human rights advocacy

Recommendation 11

The Committee recommends that the Australian Government assist interested Asia-Pacific countries in the establishment and development of a National Human Rights Institution within their respective country.

