



Australian Government

Australian Government response to the
Joint Standing Committee on Foreign Affairs, Defence
and Trade report:

More than just talk: Australia's Human Rights Dialogues
with China and Vietnam

MAY 2013

Government Response to the Report of the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry, "More than just talk: Australia's Human Rights Dialogues with China and Vietnam"

Australia's Human Rights Dialogues

Recommendation 1

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

The Government agrees with the recommendation of the Committee.

Australia's bilateral human rights dialogues are an important mechanism for conveying Australia's human rights concerns in a regular and systematic manner, and as a means of enabling frank discussions on sensitive issues. These dialogues are one of a number of tools the Government uses in its human rights advocacy. Other measures include bilateral representations, statements and resolutions in multilateral fora, including the United Nations (UN), and support for the work of non-governmental organisations (NGOs) and national human rights institutions.

The dialogues also provide other states with an opportunity to constructively discuss Australia's domestic human rights policy, giving the Government an opportunity to not only promote policy in an international context, but also inform future domestic reforms.

Recommendation 2

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

The Government notes the recommendation of the Committee.

As the Committee itself emphasised, a key component of human rights advocacy is government-to-government dialogue aimed at genuinely cooperative efforts to improve human rights. At this stage, we do not believe that Iran would engage in a dialogue aimed at genuinely cooperative efforts to improve human rights.

The Australian Government supports multilateral efforts to highlight human rights abuses and to encourage reform in Iran, including the work of the UN Secretary-General, the UN Special Rapporteur on the human rights situation in Iran and through resolutions of the UN Human Rights Council and UN General Assembly. The Australian Government also raises human rights concerns, including on individual cases, directly with the Iranian Government through the Australian Embassy in Tehran and the Iranian Embassy in Canberra, as well as in the course of other bilateral contacts.

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.

The Government agrees with the Committee that ensuring relevant staff have exposure to human rights education and training is important.

Developing a human rights culture within the public service helps ensure rights are protected and promoted through policy, legislation and service delivery.

The Department of Foreign Affairs and Trade already provides human rights training and briefings for graduate trainees joining the Department, and briefings for staff proceeding to certain overseas postings. Monitoring of and advocacy on human rights issues is an existing function of all bilateral posts and therefore forms part of the duty statements of diplomatic staff. The Department will continue to identify and provide additional training opportunities, subject to available resources.

The Attorney-General's Department undertakes a range of human rights education and training activities for public sector officials – one of the key education initiatives under Australia's Human Rights Framework. The Public Sector Human Rights Education Program, launched on 7 September 2011, aims to:

- assist public sector officials to understand human rights obligations;
- strengthen the capacity of legal and policy officers to develop policies, programs and legislation that are consistent with human rights; and
- provide guidance to administrative decision-makers on relevant human rights considerations to take into account.

Measures to achieve these aims include general human rights awareness training, Statements of Compatibility training, an e-learning package, and a range of materials to support these training packages.

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.

The Government agrees with the Committee on the importance of parliamentary participation in Australia's human rights dialogues. The Government supports the participation of the Chair and Deputy Chair of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT), or

their nominees, in Australia's human rights dialogues with China, Laos and Vietnam. The Government issues invitations to the Chair and Deputy Chair or their nominees to participate in the dialogues, noting that the request for participation is considered in the context of the overall parliamentary delegation program for that year. The Government notes, however, that the participation of the Chair and Deputy Chair or their nominees in Human Rights Dialogues overseas remains subject to the agreement of the relevant foreign government. Costs associated with participation by Parliamentarians in Human Rights Dialogues in Australia or overseas are a matter for Parliamentarians.

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.

The Government agrees with the recommendation of the Committee.

The Government provides briefings to the Human Rights Sub-Committee of the JSCFADT as soon as practicable after each human rights dialogue with China, Laos and Vietnam. The Department of Foreign Affairs and Trade will also undertake to brief the Human Rights Sub-Committee prior to each human rights dialogue. As noted in response to Recommendation 4, the Chair and Deputy Chair of the Human Rights Sub-Committee of the JSCFADT or their nominees are also invited to participate in the dialogues.

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.

The Government notes the recommendation of the Committee. A substantial amount of information is available on human rights matters with respect to Australia on the websites of the Department of Foreign Affairs and Trade¹, the Attorney-General's Department,² the Australian Permanent Mission to the UN in New York³ and the Australian Permanent Mission to the UN in Geneva⁴. This includes information on:

- . Australia's Human Rights Framework
- . the human rights grants scheme

¹ <http://www.dfat.gov.au/issues/human-rights/index.html>

² <http://www.ag.gov.au/Humanrightsandantidiscrimination/Pages/default.aspx>

³ <http://www.unny.mission.gov.au/unny/home.html>

⁴ <http://www.geneva.mission.gov.au/gene/un.html>

- . the human rights dialogues
- . national human rights institutions and regional bodies
- . the UN Human Rights Council
- . the Universal Periodic Review
- . the Third Committee of the UN General Assembly
- . reports to United Nations bodies and treaty bodies' lists of issues and concluding observations
- . human rights communications
- . human rights publications
- . human rights and education for the public sector, and
- . United Nations Human Rights Recommendations Database.

The Department of Foreign Affairs and Trade and the Attorney-General's Department administer email addresses for general inquiries and the provision of information by Australian public and civil society groups on international and domestic human rights matters respectively, which are monitored regularly.⁵ Both departments will identify opportunities to publicise further the existence of this email address.

The Australian Human Rights Commission also maintains a website with extensive information about human rights issues in Australia.⁶

Resources do not currently permit government departments to establish a separate, comprehensive web portal on all human rights matters. The departments will progressively add information on human rights matters to their existing websites with a view to further facilitating and enhancing public access to such information.

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.

The Government notes the Committee's recommendation.

Existing consultation mechanisms provide appropriate forums to discuss Australia's human rights dialogues with non-government organisations and civil society. Government departments consult with non-government organisations, civil society and the diaspora communities in Australia prior to and after each human rights dialogue. The Department of Foreign Affairs and Trade and Attorney-General's Department hold an annual forum with non-government organisations to discuss human rights issues more generally. The Department of Foreign Affairs and Trade

⁵ Humanrights@dfat.gov.au and humanrights@ag.gov.au

⁶ http://www.hreoc.gov.au/human_rights/index.html

also meets with non-government organisations and Diaspora communities in Australia on request.

The departments will continue to explore opportunities to consider a broader range of venues for those consultations, subject to resources.

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.*

The Government notes the Committee's recommendation. The annual report of the Department of Foreign Affairs and Trade includes information on the human rights dialogues held the preceding year, including topics raised and discussed with the partner country. The Department will include in the Annual Report a list of organisations that participated in each of its human rights dialogues and will consider what additional information can be included in the annual report, bearing in mind the need to keep the reports concise.

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.

The Government notes the Committee's recommendation.

Changes to human rights situations on the ground are often incremental and cannot be attributed to any single factor. The Government judges the success of these dialogues through qualitative, rather than quantitative, measures, such as the frankness of the dialogue, and our ability to raise and pursue all issues of concern, including individual cases of human rights violations. The key benefits of the human rights dialogues are to raise human rights issues in a regular manner, and to exchange information, technical assistance, capacity-building and awareness raising with receptive governments. Overall, we consider that it is the cumulative impact of the dialogues, along with multilateral and bilateral representations, that produce beneficial outcomes

for human rights. It would therefore be difficult to create aims and benchmarks by which the effectiveness of the dialogues could be measured.

Government departments routinely meet with non-government organisations, civil society and the diaspora communities in Australia prior to and after each human rights dialogue and seek written submissions in advance of each dialogue. The Department of Foreign Affairs and Trade and Attorney-General's Department hold an annual forum with non-government organisations to discuss human rights issues more generally. These meetings provide an opportunity for non-government organisations and civil society to propose objectives and identify issues which could be addressed in each human rights dialogue.

The Government notes the important role of the Australian Human Rights Commission, including as a regular participant, in the human rights dialogues. In this context, the Government will seek the Commission's views on how the dialogue process can be enhanced.

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.

The Government notes the recommendation of the Committee.

The Government does not consider that holding a formal human rights dialogue would add value in addressing human rights challenges with Sri Lanka. Australia already has robust and regular discussions on human rights with Sri Lanka at the highest level, and has regularly raised its concerns about the numbers of civilian casualties during the final stages of the conflict there. The Government closely monitored Sri Lanka's Lessons Learnt and Reconciliation Commission (LLRC) process and is following carefully implementation by Sri Lanka of the LLRC recommendations and the National Action Plan for the Protection and Promotion of Human Rights.

The Australian Government consistently funds programs to promote and protect human rights in Sri Lanka, including through the Human Rights Grants Scheme.

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.

The Government agrees with the recommendation of the Committee. Australia has already engaged with interested Asia-Pacific countries to begin development of National Human Rights Institutions. With Australian support, the Asia-Pacific Forum for National Human Rights Institutions has provided advice and expertise to assist with the establishment of national human rights commissions in the region. This has contributed to the growth of the number of internationally accredited national human rights institutions in the Asia Pacific from four to seventeen since 1996.

