

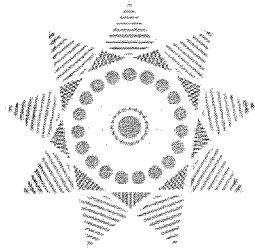


Submission No 12

Inquiry into Australia's Human Rights Dialogues with China and Vietnam

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Australian Bahá'í Community

Submission by the Australian Bahá'í Community to the Inquiry into Australia's Human Rights Dialogues with China and Vietnam

The Australian Bahá'í Community welcomes the inquiry by the Joint Standing Committee on Foreign Affairs, Defence and Trade into the effectiveness of Australia's human rights dialogues with China and Vietnam.

The Australian Bahá'í Community supports human rights dialogue as an instrument that can be used, alongside others, to promote the protection of human rights internationally. We have been interested to observe the evolution of Australia's human rights dialogues since the 2004-5 Inquiry into Australia's Human Rights Dialogue Process, to which we made a submission. We were also a signatory to the joint NGO submission on the human rights dialogue process made to the 2004-5 Inquiry.¹

We commend the Committee on the approach it has adopted to this Inquiry, particularly the inclusion of the key question of whether any human rights reforms have been achieved in the countries with which Australia has been conducting human rights dialogues. As stated in our 2004 submission, we believe that human rights dialogues should not be viewed as an end in themselves, but rather their effectiveness should be measured in terms of concrete improvements made to the human rights situation on the ground as a result of the dialogue process.

Australian Bahá'í Community

The Australian Bahá'í Community was established in 1920 and its membership reflects the diversity of modern Australia. As members of the Bahá'í Faith—a worldwide religion, founded over 160 years ago, with more than five million members around the globe—we work to promote and apply principles derived from Bahá'í teachings which contribute to the solution of current challenges facing humanity. Our efforts are focussed on the development of a peaceful, just and sustainable civilisation, in which the human rights of all individuals are upheld, and all are empowered to recognise and develop their capacities and to channel their collective energies towards service to humanity and the betterment of their communities.

Parliamentary participation and oversight

In principle, the Australian Bahá'í Community believes that a relatively high degree of genuine transparency and accountability are desirable in Australia's promotion of the observance of human rights. This standard is already largely achieved in relation to Australia's advocacy of human rights through multilateral fora. We believe that a greater degree of transparency and

¹ Both available on-line at <http://www.apf.gov.au/house/committee/jfad/hrdialogue/subs.htm>

accountability could be attained, however, with regard to the process of human rights dialogue. Parliamentary participation and oversight, most logically through the Human Rights Sub-Committee, can be an effective means to bring this about. In this regard we note and support the Committee's comment, in its recent *Review of the Department of Foreign Affairs and Trade Annual Report 2009 – 2010*, that there is value of having parliamentarians, and in particular the Human Rights Sub-Committee, its Chair, Deputy Chair or other elected representatives, participate in bilateral human rights dialogues on a permanent basis; and that Australia's human rights dialogues should be reported back to the Committee as appropriate.²

Involvement of non-government organisations

The Australian Bahá'í Community maintains the view that the human rights dialogue process would benefit from greater involvement of non-government organisations (NGOs). As the Department of Foreign Affairs and Trade has itself observed, "Given their independence, commitment and diversity, NGOs play a legitimate, well-established and respected role both domestically and internationally in the promotion and protection of human rights".³

Greater involvement by NGOs would not only bring their unique expertise and experience to the dialogue process. It would also offer a dynamic example in practice of the constructive role civil society can play in promoting and protecting human rights. Enhanced NGO involvement would also have the benefit of bringing greater transparency and credibility to the dialogue process. NGOs have the potential to play a role in the monitoring and assessment of the outcomes of human rights dialogues. Further, their involvement could assist in creating or strengthening links between Australian NGOs and NGOs working to address human rights issues in the countries with which Australia conducts its dialogues.

Naturally, in order to achieve these outcomes, it is important that the NGOs involved in dialogue be genuine and independent organisations with an established track record of defending human rights, and not government-sponsored organisations.

While we are cognizant of the difficulty of involving NGOs at initial meetings, we note that the Australia-China human rights dialogue completed its thirteenth round in December 2010, and the Australia-Vietnam dialogue completed its eighth round earlier this year. As the dialogues continue to mature, it appears reasonable to expect that a greater and more meaningful involvement by NGOs should become possible. In this regard, we note that a small group of selected Australian NGOs have been able to meet separately with the Chinese delegation on two occasions when the dialogue has been held in Australia; and that the eighth round of the Australia-Vietnam dialogue, completed in February this year, included meetings by members of Vietnam's delegation with two of Australia's peak human rights NGOs. We hope that such engagement will deepen and become more formalised in the future.

In its 2005 report *Australia's Human Rights Dialogue Process*, following the previous inquiry into the effectiveness of Australia's human rights dialogue process, the Committee recommended:

That the Government consider preceding each of the bilateral human rights dialogues hosted in Australia with a forum, at which Australian NGOs have the opportunity to brief members of the Australian delegation on human rights issues of particular concern.⁴

The Australian Bahá'í Community supports this recommendation.

² Joint Standing Committee on Foreign Affairs, Defence and Trade, *Review of the Department of Foreign Affairs and Trade Annual Report 2009-2010*, paragraph 2.80.

³ Department of Foreign Affairs and Trade Human Rights Manual 1998, Chapter 6

⁴ Joint Standing Committee on Foreign Affairs, Defence and Trade, *Australia's Human Rights Dialogue Process*, Recommendation 3

Roles and obligations of participating agencies

The Australian Bahá'í Community believes it is very important that the roles and obligations of the agencies participated in human rights dialogue be clearly defined. In order to avoid dialogue becoming seen as an end in itself, these roles and obligations must extend beyond participation in discussion: they should be defined in a way that clearly charges the parties with working to bring about real progress in the observation of international human rights standards in their respective countries. Moreover the participating agencies should also have clearly defined responsibilities to evaluate the progress of dialogue in achieving such changes.

We further recommend that in defining the roles and obligations of agencies participating in human rights dialogue, it be clearly stated that such involvement does not preclude the parties from adopting other means for the promotion and protection of human rights, such as pursuing United Nations resolutions and other similar measures.

Reporting requirements and mechanisms

The Australian Bahá'í Community believes that there needs to be clear reporting on the human rights dialogue process, with particular attention to the real outcomes of the dialogues. This could be achieved by setting benchmarks for the dialogue, against which progress and outcomes could be measured and reported (see further below). In the light of the need for greater transparency and accountability noted above, these reports should be made available to all interested parties.⁵

Monitoring and evaluation of outcomes

As noted above, the Australian Bahá'í Community believes that 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. To assist in measuring progress against such benchmarks, 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.

Whether this dialogue mechanism should be adopted with other countries

As stated above, the Australian Bahá'í Community believes that human rights dialogue should only ever be viewed as one instrument for advancing human rights. Whether or not the mechanism of dialogue is adopted with additional countries, other mechanisms, such as international monitoring through United Nations bodies and other multilateral and bilateral means, should continue to be vigorously pursued.

Should the resumption of a human rights dialogue with the Islamic Republic of Iran be contemplated, we propose that one "litmus test" of the success of that dialogue should be the extent to which it is able to positively address the human rights situation of the Bahá'ís in that country. Improvements in this area would be an illuminating measure of the Iranian Government's sincerity in relation to the dialogue process, and to improving the human rights situation in its country more broadly. In general terms, we would not be optimistic that a human rights dialogue with Iran, without a rigorous system of monitoring and evaluation, would be

⁵ We note that some feedback on the dialogues is provided to those NGOs attending the Australian Government and Non-Government Organisations Forum on Human Rights, conducted under Chatham House rules.

likely to result in real progress in improving the human rights situation for Bahá'ís and others in that country.⁶

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We thank the Sub-Committee for the opportunity to make a submission to this Inquiry and we look forward to the outcomes of its deliberations, which we trust will help to maximise the effectiveness of Australia's human rights dialogues with China and Vietnam.

Australian Bahá'í Community
August 2011

⁶ Further information on the human rights situation of the Bahá'ís in Iran can be found at <http://news.bahai.org/human-rights/iran/iran-update/>