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**JOINT STANDING COMMITTEE
ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

Human Rights Subcommittee

Thursday, 13 August 2009

Members: Senator Forshaw (*Chair*), Mr Hawker (*Deputy Chair*), Senators Mark Bishop, Ferguson, Fifield, Furner, Hanson-Young, Johnston, Ludlam, Moore, O'Brien, Payne and Trood and Mr Baldwin, Mr Bevis, Ms Julie Bishop, Mr Danby, Ms Annette Ellis, Mr Fitzgibbon, Mr Gibbons, Ms Grierson, Mr Hale, Mr Ian Macfarlane, Mr Murphy, Mr Oakeshott, Ms Parke, Ms Rea, Mr Ripoll, Mr Robert, Mr Ruddock, Ms Saffin, Mr Bruce Scott, and Ms Vamvakinou

Human Rights Subcommittee members: Ms Rea (*Chair*), Mr Ruddock (*Deputy Chair*), Senators Fifield, Forshaw (*ex officio*), Furner, Hanson-Young, Moore and Trood and Mr Danby, Ms Annette Ellis, Ms Grierson, Mr Hawker (*ex officio*), Mrs Markus, Ms Parke and Ms Vamvakinou

Members in attendance: Senators Annette Ellis, Furner, Trood and Ms Rea and Mr Ruddock.

Terms of reference for the inquiry:

To inquire into and report on:

International and regional mechanisms currently in place to prevent and redress human rights violations, with a view to providing options on possible models that may be suitable for the Asia-Pacific region, with a focus on:

- the United Nations human rights system;
- regional mechanisms; and
- roles for parliaments.

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Subcommittee met at 10.06 am

CHAIR (Ms Rea)—Welcome. Being a joint standing committee this committee does contain members from both the lower and upper houses. That is why we often find it difficult sometimes to get everybody in the same room together. Nevertheless, I appreciate those members coming along this morning, because the inquiry we have been conducting has been very interesting. Certainly, we have heard quite a diverse range of evidence, opinions and perspectives about the topic. We really do appreciate that representatives of DFAT and AusAID have also come along this morning to present a formal submission and we look forward to having a discussion with you.

I need to formally open proceedings and to say a few official words. Although the subcommittee prefers all evidence to be given in public, should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will consider your request.

[10.10 am]

FISHER, Mr John Douglas, Assistant Secretary, South-East Asia (South) and Regional Issues Branch, Department of Foreign Affairs and Trade

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CHAIR—Before we begin I must also advise you that the committee does not require you to give evidence on oath. You should be aware, though, that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the chambers themselves. I now invite you to make a short presentation and then we will move into questions and answers.

Mr Maclachlan—Thank you very much, Madam Chair, and thank you to the members of the subcommittee for inviting us to appear today. The protection and promotion of universal human rights are vital to global efforts to achieve lasting peace and security and freedom and dignity for all. The government considers that all states have a duty to protect and promote universal human rights and it is committed to promoting human rights standards as a key element of its foreign policy.

As no doubt your hearings have shown, the human rights situation across the Asia-Pacific is varied and complex. There have been many significant improvements in human rights in the region over recent years. Many countries have established or are moving towards fully fledged democracy, and economic development has seen progress in the realisation of economic and social rights. Nevertheless, it is also the case that the region faces many serious challenges with regard to human rights. Many of the region's citizens lack the most basic rights, be they civil, political, economic, social or cultural. And there are many challenges that the Asia-Pacific region faces which exacerbate the delivery of human rights: armed conflict, displacement of people, organised crime and corruption.

As many of the submissions to the subcommittee have noted, the various subregions in the area are characterised by differences in the nature of their human rights challenges, the degree of willingness and capacity of governments to deal with them, and the mechanism at their disposal to do so. In South-East Asia, since our submission, key positive developments have been the establishment of several national human rights institutions and, in particular, the ASEAN human rights mechanism. However, at the same time, there are countries in the Asian region whose citizens are systematically denied the most fundamental rights. This is reflected in the fact that the three countries subject to United Nations General Assembly resolutions are Asian countries—Burma, the DPRK and, of course, if we take a wider definition, Iran.

Pacific island countries face a number of human rights challenges. Of course, Fiji's entrenchment of a military government, the abrogation of its constitution and the curtailment of media and free speech are setbacks for human rights and democracy. There are currently no internationally accredited national human rights institutions in the Pacific. In terms of individual rights, our assessment is that Pacific women fare worse than men across a range of indices—including health, education and economic achievement—and that the region has some of the highest rates of domestic violence in the world. In addition, these countries often lack the resources to facilitate effective engagement with the international human rights system. These regional differences, in our view, present significant practical challenges to the possible development and operation of a regional human rights mechanism in the Pacific.

I will turn to the tools that the Australian government uses to promote human rights in the Asia-Pacific region. Essentially these fall under two broad categories, principally bilateral engagement, of which a key aspect is the work funded through the Development Assistance Program, and participation in the multilateral human rights system. Bilateral engagement is central to the government's efforts to promote human rights in the region. The government makes bilateral representations on human rights issues to other governments on broader human rights issues as well as on specific cases of concern. The government also pursues human rights dialogues as a useful tool for engaging countries where we do have serious human rights concerns. We regard these as providing an opportunity for a frank and in-depth human rights focused discussion with senior government officials. And, of course, at the moment Australia has dialogues with China, Laos and Vietnam.

Australia's Development Assistance Program, administered by AusAID, has an important role to play in promoting human rights. In particular, the Human Rights Fund provides funding support to the UN Office of the High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions and the community sector in developing countries. The value of the Human Rights Fund in 2009-10 is \$5.8 million. That is a significant increase from the \$4 million in 2008-09.

A key aspect of the Human Rights Fund is an effort to build national capacity to implement international human rights standards. One of the means by which we do this is through the Human Rights Small Grants Scheme and human rights technical cooperation programs. Other AusAID programs seek to encourage the formation of national human rights institutions and support civil society in raising awareness of human rights and human rights related training and advocacy.

In the UN human rights system, there are several bodies which are relevant to our interest here. The UN General Assembly Third Committee and the Human Rights Council consider country-specific and thematic human rights issues. Australia contributes to discussions to raise awareness of particular human rights issues. We participate very actively in both fora. We also participate actively through negotiation and support for resolutions on human rights issues or human rights country-specific situations. A significant development in the Human Rights Council's work is the universal periodic review, which we regard as providing a positive and value-adding process because it allows for peer review of states' human rights records. It also enables the engagement of civil society and national human rights institutions in the work.

UN treaty based bodies are also an important element of the multilateral work and they monitor the implementation of core international human rights treaties. The implementation of key human rights instruments in the region is quite important. However, it does vary between states. In the Pacific, it is quite low for some of the key treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Finally, the government supports financially, as well as otherwise, the Office of the High Commissioner for Human Rights in its work in focusing on human rights standard setting, monitoring and implementation on the ground. The Office of the High Commissioner for Human Rights has offices in the region, in Suva, Bangkok and Kathmandu, and we are very supportive of its work in the region. What I have given you is a brief overview, and we are now ready to take your questions.

CHAIR—Thank you very much. That was a very useful overview, and I suspect it reflects quite a bit of the evidence that we have also picked up during our inquiry. I know that there will be several questions from committee members. I will kick off with one general question, and I will get to others later. In your submission, you have given us a pretty good summary of the other regional bodies that exist in Africa, the Americas and Europe. Obviously, in terms of our considerations for this region, you cannot exactly copy another model. But I would be interested to hear what you think of the effectiveness of those bodies—whether there is an effectiveness—in those regions and whether there are key elements within each of those regional bodies that make them more successful than others, perhaps.

Mr Maclachlan—I agree with you in that it is very difficult to transplant mechanisms from other regions. When one looks at mechanisms such as what is in place in Europe, it is a process that has developed since 1950. It is not necessarily going to be the case that we would be able to take those sorts of elements and supplant them, for example, in the Pacific. My sense is that in Europe, however, it has worked very well in highlighting and addressing human rights issues there. It has, I think, been useful for Europe in its engagement of former Eastern bloc countries and in helping them bring into being human rights standards and so on. Beyond that, I am probably not in a position to give you a full, detailed assessment of what we feel are the others.

Mr RUDDOCK—I have two questions. The first relates to the recent Pacific Islands Forum. You detailed there briefly that there were developments expected. I wonder whether you could update us on whether there were any realistic goals achieved at the meeting in Cairns?

Mr Maclachlan—In relation to human rights?

Mr RUDDOCK—Yes. This was the next major meeting. It was the one where we were expecting some movement and I am just asking you what the movement was.

Mr Maclachlan—I might ask my colleague from the Pacific area to answer that question.

Mr Tooth—On questions of regional institutions, I do not think there was any significant language in the communique. There was certainly very strong language in the communique related to Fiji, drawing out and focusing on the deterioration in basic liberties and democratic institutions in that country.

Mr RUDDOCK—So there were no developments. The second matter that I would like to hear from you, in relation to the Pacific in particular, is whether or not you actually have details of which countries have ratified each of the major instruments and what their reporting is against those instruments? You indicated that you thought it was fairly minimal and I would imagine that probably is the case. But I wonder if you actually have a table that can take us through each of the countries in the regions that have actually signed and whether they report against those? If it is nil, nil, nil, nil, nil I would just like to know.

Mr Maclachlan—It is not the case that it is nil, nil, nil, nil! But if I can take it on notice I will make sure that we do provide you with a table.

Mr RUDDOCK—I am more than happy for that.

Mr Maclachlan—We will provide a table. What I can say is that, without going into the exact specifics of which country—although I do have it here somewhere and will just have to find it—the Pacific is quite well represented among the states' parties for the Convention on the Elimination of All Forms of Discrimination against Women. However, the number of states that have actually ratified, if you like, the core human rights treaties, such as the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights is actually very low.

Mr RUDDOCK—That is what I would expect. I understand what we put in as reports to these treaty bodies. They are very comprehensive and it is enormously resource intensive. I sit there thinking, 'What do I expect they have done in Tuvalu in terms of reporting against each of these'—if they have signed up to a treaty. I imagine they have probably done Buckley's. I would like somebody to tell me because it seems, in our report, we are going to need to deal with these issues objectively. Somebody has to provide us with information about the nature of adherence to these treaty obligations and the way in which they see their human rights obligations. And they need to help us look at whether or not there is some way forward by providing a regional body with states' representation—and it is their body—that might be able to help each of them pick up these reporting issues.

Also, I think in treaty body reform, to have some appreciation of the commitments you are asking countries to make is also something that they are going to have to address. It seems to me it is overload and oppressive and, as long as people reasonably respect human rights, I do not know that you need to have, for states with 20,000 people, the sorts of reporting obligations that are imposed, for instance, on us.

Mr Maclachlan—We will provide you with a table of states' parties—that is no problem at all. With regard to your point about the burden of reporting requirements, there is no doubt that it is very difficult for small countries to meet those burdens. I can give you one example. The Universal Periodic Review, which I referred to in my opening statement, is a valuable process, but it is also an intensive process because states are required to submit a national self-assessment as part of that. Experience has shown that generally travel to Geneva, often at ministerial level, for their appearance. There are no Pacific countries represented in Geneva. The Australian government is quite conscious of the burden this imposes on Pacific countries. The Australian mission in Geneva has provided support to delegations from Tuvalu, Vanuatu and Tonga for their appearances at the UPR. In addition to that, AusAID has participated in a UPR capacity-building seminar that was held for officials from Pacific island countries. That was hosted by New Zealand in February this year. The object of that was to try and help these Pacific countries get a better understanding of what is required of a report and the process.

Senator FURNER—I have looked at the submissions from the department, dated December 2008, particularly the commentary on the Office of the High Commissioner for Human Rights. I would like some appreciation of the time frames involved in the establishment of some of those initiatives, such as support, particularly in countries like Vietnam, and, if it is at all possible, could you expand on the activities and support in some of those countries highlighted by the Office of the High Commissioner for Human Rights.

Mr Maclachlan—During the 2008-09 period, OHCHR set out a number of activities and goals that they were planning to undertake, including establishing an office for south and west Asia. My understanding, from having looked at the OHCHR, is that they are still in the process of establishing that office. There is a regional office in Suva. Its principal priorities are essentially expanding its cooperation with regional organisations and institutions, such as the Pacific Islands Forum Secretariat, the Pacific Islands Chief of Police, establishing judicial structures and building on national and regional human rights institutions, improving detention conditions and those sorts of human rights related activities.

Since 2006, the South-East Asia regional office, which is based in Bangkok, has primarily been focused on assisting ASEAN in its efforts to establish the ASEAN human rights mechanism. It also has a number of other priorities. These are basically to assist countries with their implementation of recommendations by international treaty body mechanisms and to assist in capacity-building programs, legislative reform and human rights education in a range of countries in South-East Asia. The government supported the OHCHR office to the tune of \$1.9 million in 2008-09, which was an increase of over \$700,000 in 2007-08.

Senator FURNER—When will the pilot programs you have scheduled for Pakistan and Vietnam come on line?

Mr Maclachlan—I will have to take that on notice and come back to you.

Ms ANNETTE ELLIS—Some of the submitters to our inquiry have raised the benefit or not of approaching human rights concerns through working on specific issues, particularly where Australia might have a very specific or legitimate interest. The example that has been brought to our attention could possibly be human trafficking. What is the experience that DFAT or AusAID might have observed in cooperating in that sort of way? Does that sort of approach work in a

region—in an area where perhaps some bilateral attempts have been less successful in the past—on a specific issue like that? In other words, another way of seeking advance in general human rights questions—and using that example as a human rights issue—through a specific approach rather than general one. Have we had any experience of that and do we have a view on whether it is working or whether it is worth exploring? The question is based on the fact that we may not have achieved as much as we would like in a more general approach, so then we go in on a specific issue approach and see if that works.

Mr Maclachlan—If I have understood your question correctly, in the specific example that you highlighted, people trafficking, that is an area where the government does pursue that issue and we do it in cooperation with the region as part of a regional process. That process is the Bali process, which addresses both people smuggling and people trafficking. That has been a very effective way of engaging the interested institutions in various governments in trying to address those particular issues. The government does address human rights on an issue basis, from time to time, and the example I would give is the death penalty where we would make representations to a range of countries in support of, for example, the United Nations general assembly resolution on the death penalty last year. We—Australia and supporters of that resolution—were actually very successful in getting a good outcome.

Ms ANNETTE ELLIS—I guess the contrast I am looking for is if, hypothetically, there is an island state or a small country somewhere where we have been using a general approach in relation to human rights across the board but there has been a lack of reception. I am speaking, more specifically, of the decision to go in at a different level, for a different reason, rather than knocking on their door and saying, ‘We want to talk about human rights across the board’—and I am putting it very simply. If we have done that and it has not had the success that we would like to think it has in that general sense, have we then said, ‘Okay, well they have issue A there that we are aware of; we have a strong interest in that, let us try getting in their door through that one issue and see.’ That is really the crux of the question. Have we actually approached anywhere like that and, if we have, has it proven successful and then opened that door a bit more widely to the more general discussion?

Mr Tinning—I suppose that, talking generally rather than on a specific example, our experience is that we are most successful when we hone in on an issue where there is a good deal of interest and demand from developing countries. So if there is a particular institution that is showing particular interest or there is a particular issue that is high on a government’s radar then we do tend to have a lot more impact and generate a lot more interest in long-term development outcomes by honing in on that particular issue that is of interest to the country concerned.

Senator TROOD—Mr Maclachlan, your submission makes the point that there are no human rights regional mechanisms in the Asia-Pacific region. My natural questions are first, can you tell me why you think that is; second, what has Australia been doing to try to promote the development of a mechanism; and, third, can you see a point at which we might have some success or are we moving to a situation where a structure may be created?

Mr Maclachlan—Since the submission, there has been one significant change and that is in ASEAN with the arrival of the ASEAN regional human rights institution. But in the Pacific there is no regional institution. That is largely because the human rights capacity in the Pacific is quite

limited. Many of the Pacific countries do not even have national human rights institutions. If I am correct, it is only Fiji that has a human rights institution and that institution does not meet the Paris principles in the same way that Australia's Human Rights Commission does. Because of the situation in the Pacific being such that it is, it is probably premature for a regional institution to arrive. Our focus at the moment has been on promoting human rights in individual countries through, for example, the AusAID Human Rights Fund and those sorts of activities.

Senator TROOD—Does that mean you do not necessarily see great virtue in these kinds of regional structures?

Mr Maclachlan—No, I did not say that.

Senator TROOD—I know you didn't.

Mr Maclachlan—I think there is potential value in regional fora where they can provide an opportunity for national institutions from a region to get together to share experiences and discuss the solutions that they have found to human rights challenges in their countries. But I think, in the case of the Pacific, we have a further distance to travel in terms of the development of the institutions relating to human rights at a national level before we can bring them together at a regional level.

Senator TROOD—Do you believe that Australia has any capacity to try and influence the creation of those national institutions?

Mr Maclachlan—I believe Australia is now doing work through, for example, the Human Rights Fund of AusAID to help these countries to promote the implementation of human rights in those countries.

Senator TROOD—Have we made any progress in any of the Pacific island countries where we can see the likelihood that a national institution might be created sometime in the foreseeable future?

Mr Tranter—There is some movement there. Several countries are considering steps towards national institutions as a reference to the Fiji Human Rights Commission, which has got a very limited set of responsibilities. There is work underway in PNG, Samoa, Nauru and Palau to consider establishing national institutions along the lines that you mentioned.

At a regional level, while there is no organisation with a specific mandate for human rights issues, the forum secretariat takes an active role around this. It has a mandate through the Pacific Plan to develop work on human rights issues. There are principles within the Pacific Plan on human rights issues. At the forum event last week, there was a prominent side event on human rights as well as on gender based violence, which the secretariat promoted. To reinforce that, Australia supports, at a national level, civil society organisations to engage with governments on advancing the establishment of these institutions and, at a regional level, works closely with the UN system, in particular, in the Pacific with the UNDP Pacific Centre based in Suva, which has got a line of work on human rights issues and which works very closely with the forum on that theme.

Senator TROOD—In those countries that you have mentioned, do you see the likelihood that those national institutions are going to be created in the relatively near future or are we talking years here?

Mr Tranter—I could not say.

Senator TROOD—In relation to the Asia-Pacific region, you obviously repose some hope and expectation in the ASEAN forum but that of course does not include North-East Asia, the northern Pacific or the northern parts of the region. What about human rights structures there that might encompass, for example, the concerns we have about China?

Mr Maclachlan—I am not aware of any proposal for a regional organisation in north-east Asia to focus on human rights.

Senator TROOD—Has the department given any consideration to the possibility that the ASEAN Regional Forum might be the foundation for a wider Asia-Pacific forum which could cover the north-east Asia region? I know ARF is a security organisation but it covers the whole of east Asia and has ASEAN in the driving seat.

Mr Maclachlan—Not that I am aware of, unless my colleagues from South-East Asia Division are aware of anything.

Mr Fisher—No, we have no information on that possibility.

Senator TROOD—What encouragement can you give us that might suggest that there is some movement towards some kind of human rights structures that might cover the north-east Asia region? Is anything going on from which we can take some encouragement?

Mr Maclachlan—As I indicated, we are not aware of any proposals for a regional structure. The only things that I can point to are the significant transition in the Republic of Korea from military rule to democracy in quite a short time, and of course Japan is a well-established democracy as well.

Senator TROOD—That is true and, over the last 20 to 25 years, we have seen some significant developments in human rights across the region. In that sense there is recognisable progress. But we seem to have reached a point where the likelihood of progress in the foreseeable future, which would give reason to think that we can build on the structures we have, is almost coming to an end. We seem to have stalled. Apart from the ASEAN human rights structure, not much else is happening. We have the problems in Sri Lanka and the difficulties in Burma and elsewhere which exercise us. North-east Asia just seems to be out of the dialogue altogether. What about second-track discussions about these kinds of things?

Mr Maclachlan—Again, I am not aware of any second-track discussions between the north-east Asia countries related specifically to human rights.

Senator TROOD—In relation to our dialogue with China, which has now been taking place for six or seven years or even longer—

Mr Maclachlan—Even longer, actually.

Senator TROOD—Ten—how many years are we up to?

Mr Hunt—We have had 12 dialogues with China.

Senator TROOD—What is your assessment of the value of those dialogues?

Mr Hunt—We have had 12 dialogues. I think we started in 1997 and we have tried to have them on an annual basis. In 2008, we missed a beat because of the Olympics. We think there is value in maintaining this dialogue. We started from what I would call fairly humble beginnings. At the very beginning, both sides had foreign ministry officials talking to each other, but, as the dialogues progressed and the Chinese grew more confident about them and their objectives, the delegations on the Chinese side in particular expanded and became more varied. They brought in people from the public security side, the judiciary, the Procuratorate, and it became clear that they were much more engaged on the sorts of issues that we were trying to raise with them. They also had issues that they raised with us. So, over time, I think we have seen a bit of a learning process on the Chinese side.

I do not think that we can talk in terms of dramatic advances at any stage of this long period over which we have had this dialogue, but I think we can see incremental change. My assessment of the Chinese is that, when they first started talking to us, they did not believe that they had a human rights problem in China. They did not believe that there were legitimate grounds for outside countries to criticise China on human rights issues. They stood by a doctrine of noninterference in domestic affairs.

But over time they were prepared to respond to concerns that we raised with them. They were prepared to engage in exchanges with us, and I think they did concede that, yes, human rights is something that you cannot simply wall off as a domestic consideration. It is something that has to be addressed in a broader context, in an international context. So I think we would like to believe that we have made some small contribution to getting the Chinese to consider that human rights was an issue that they had to pay some attention to and that they had to put some resources into.

The other function of the human rights dialogue is that it impresses upon the Chinese that there are certain international standards that the rest of the world expects them to live up to if they are to consider themselves international citizens of good standing. It is not something where they will make admissions, but we sense that they realise that they have to start making some changes to their own system to make it more acceptable internationally. I suppose you could call it an embarrassment factor to some extent. But what we see is that in China itself there are gestures being made towards trying to bring China's institutions more into line with international expectations. We would like to think that we played a small part in that process as well.

Finally, there are things like human rights abuses, individual cases of concern. The human rights dialogue provides us with a means of engaging the Chinese at a fairly senior level on those cases and trying to get some sort of redress with the cases that we raise.

Senator TROOD—There has not been a 2009 dialogue, has there?

Mr Hunt—Yes, there was. In February this year we had a dialogue—that was the 12th dialogue. Last year was the one when we missed a beat, largely due to the Chinese preoccupation with the Beijing Olympics.

Senator TROOD—My understanding is that there are never any public accounts of these dialogues, and we do not ever see any reports of them and there is no full briefing on their contents. I think one of the consequences of that is that people are suspicious of their value. Have you ever canvassed the possibility that there might be some wider account of the dialogue, the issues discussed, perhaps a report to the parliament, or some way of providing some further public information about the content and the value of the dialogues?

Mr Hunt—I think there are basically two responses to that. One is that there is a media conference held after the human rights dialogue. There certainly was one in this year's dialogue. But I think also there is an offer on our part that we would be prepared to report to the—

Mr Maclachlan—One of the issues that we need to consider in running these bilateral dialogues is the extent to which we reveal absolutely everything that is discussed. Of course, we do indicate what issues Australia raises. But it is the degree of confidentiality that is afforded the dialogues that actually makes them valuable, because the interlocutors on the other side feel more inclined then to get into a genuine discussion. That is my understanding of why we have taken the approach we have.

Senator TROOD—I see that point, Mr Maclachlan. I see that a balance needs to be struck between the value of confidentiality, which might encourage a more frank and open dialogue, and the need to report to the Australian public about the dialogue and to give assurance that this is not just an exercise in mutual back scratching or anything else that you might describe it as which is unflattering. We have had 12 dialogues and there have been, of course, press conferences, but I do not regard them as being a satisfactory public accounting of the dialogue. I am thinking more about a more formal statement to the parliament perhaps, an annual report on the dialogues or a reference to the dialogues as part of a wider process of reporting. It just seems to me that there is a need to be a little more open about the nature of these dialogues and their content. That would give people, I would have thought, a greater degree of assurance that these are in fact valuable exercises in promoting human rights.

Mr Maclachlan—Senator, to assure you that they are valuable exercises, one of the aspects of the bilateral dialogue with China is the technical cooperation program that we have with China on human rights implementation. I ask my colleague Mr Tinning, from AusAID, to make a few points related to some of the outcomes of that work.

Mr Tinning—We have this program managed by the Australian Human Rights Commission, worth around \$2 million. There are a range of practical outcomes that have helped to facilitate the outcomes through this program, and they include: amendments to laws on the protection of minors, including provisions for domestic violence against minors; the establishment of public security bureaus in most provinces; antidomestic violence emergency hotlines; complaint-handling centres; the establishment of a total 800 legal aid centres for women; the establishment of 500 free family planning centres; and a range of other achievements through these programs supported under that scheme.

Senator TROOD—Are you claiming credit for that?

Mr Tinning—Under this scheme, certainly the Australian Human Rights Commission have helped facilitate some of those outcomes. They have certainly played a role in helping to achieve those outcomes.

Senator TROOD—They are not insignificant. Are they reported as outcomes in the publications of either AusAID or the Human Rights Commission?

Mr Tinning—I am sure they are. I will get back to you with exactly where they are reported.

Senator TROOD—All I am saying is that we ought to be reporting successes. If you are claiming that to be a consequence of some of the work you have done, then it seems to me that that is the sort of thing we ought to be publicising. It would allay some of the concerns I have that these dialogues are so deeply private and confidential that nobody quite knows what is happening in relation to them. Finally, can I have an assessment from you on how you now judge the effectiveness of the Human Rights Council after its quite substantial reform, which has now been in place for a few years?

Mr Maclachlan—The Human Rights Council has had a difficult upbringing, if you like, but it is making steady progress. Australia, of course, is not on the council at the moment, but we nonetheless do engage in the council's deliberations. We have found that the council has engaged in a large number of special sessions on particular issues. There has been a strong focus on the Middle East in those, perhaps more so than we would prefer as there are other human rights situations. There have also been sessions, for example, on the Democratic Republic of Congo and on Sri Lanka earlier this year. The council has been trying to find its feet, but it is getting there. The key positive development is really the Universal Periodic Review, where states have been able to come forward for peer review of their implementation of human rights. While initially that process was finding its feet, we now regard that as quite a valuable process and one in which Australia has engaged quite actively. Australia itself will not be up for the Universal Periodic Review until 2011.

Senator TROOD—When might we next have a chance to be on the council?

Mr Maclachlan—It would be up to the government to decide whether or not to choose to run. There was an election earlier this year and the United States has gone on to the council to represent the Western group. If I am not mistaken, the term is two years.

Ms McLean—Three years.

Mr Maclachlan—They are three-year terms. I will have to confirm the exact date of the next election.

Senator TROOD—Is it like all the UN positions in that there is a spot for the Western and other representatives?

Mr Maclachlan—Exactly. There are 47 members in total and it is split up to ensure equitable geographic representation.

Ms ANNETTE ELLIS—If I stray outside the area of human rights, please do not be reluctant to say so. I recall seeing in the last week or two a government announcement regarding aid or assistance for people with disabilities in the south Pacific. I do not recall the exact detail. With that in mind, unless disabilities are dealt with in another area altogether, which they may be, the submission of the Office of the High Commissioner for Human Rights includes some of the most pressing human rights issues in the Pacific region—and there is a list—but does not include people living with disabilities. Could that be because they are dealt with in another area of administration altogether? Or is it because they are not seen as a pressing need or they are not getting the assistance that they need? While we are talking about structures to assist with human rights, I am particularly concerned that a basic human right for a person with a disability is to be able to live relatively well and to access a relatively good lifestyle, but I am not finding any mention of that here. Recalling the statement I saw makes me ask you, where does it sit and, if it sits here, is it an issue that we are seeing emerge in our dialogues, discussions and structures?

Mr Maclachlan—Before I ask Mr Tinning to answer the question on the development assistance, on the issue of the priorities of the office, unfortunately I do not know what the logic was behind their thinking in coming up with that list of priorities.

Ms ANNETTE ELLIS—That is fine.

CHAIR—Because a senator has to leave in about two minutes, this hearing will have to end. I ask you to give us a very brief answer and, if there is more information that you think is useful, please let us have it in writing.

Ms ANNETTE ELLIS—Can you hang long enough for us to do this because I do have one other question?

CHAIR—We can't.

Senator TROOD—You can continue without me.

CHAIR—We are inquorate. It would be good if you could hang for five seconds.

Senator TROOD—I have to go—

CHAIR—Can we see how we go with this.

Mr Tinning—Very briefly, disability is a very high priority for the Australian aid program. I suspect that the document that you heard about was the release of our disability strategy a few months ago.

Ms ANNETTE ELLIS—That might be it.

Mr Tinning—We can get you some information about what that includes.

Ms ANNETTE ELLIS—I would like you to do that, if you could.

Mr Tinning—Certainly, from our point of view, disability is a very important issue in human rights.

Ms ANNETTE ELLIS—So it fits here?

Mr Tinning—It certainly fits there, and I am not sure why it is not on that list. We can follow that up.

Ms ANNETTE ELLIS—I applaud and was thrilled to hear the announcement yesterday of the reinstatement of Radio Australia in Burma. I should imagine that has been done with human rights written across our forehead. If you cannot answer this now, could you send me the detail? I am ignorant about the spread of Radio Australia in the Pacific region. Could you tell us where it is or is not in that region, because it is a very good tool for us in relation to this whole debate. I would like to have that information on the record, if you could come back to me with it.

CHAIR—As there are no further questions, I say thank you very much for attending. If there are any issues you wish to follow up, please give them to the secretariat. A transcript will be provided to you so, if you wish to clarify anything in there, you will have the opportunity to do so. I certainly appreciate the evidence you have given.

Subcommittee adjourned at 11.00 am