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The Parliament of the Commonwealth of Australia

# Australia's Human Rights Dialogue Process

Joint Standing Committee on Foreign Affairs, Defence and Trade

September 2005  
Canberra

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ISBN 0 642 78511 2



## Chair's Foreword

In 1997, the Australian Government initiated a high-level bilateral dialogue on human rights with China. Similar formal talks commenced with Vietnam in May 2002 and with Iran in December 2002.

The aim of the dialogues is to hold frank and constructive discussions to demonstrate the commitment of both countries to the talks and the overall strengths of their bilateral ties with Australia.

Since 1997, there have been nine rounds of talks between Australia and China, three between Australia and Vietnam, and one with Iran.

The inquiry was established to review Australia's human rights dialogue process to date. The Committee examined five areas: parliamentary participation and oversight; involvement of non-government organisations; the role and obligations of participating agencies; reporting requirements and mechanisms; and the monitoring and evaluation of outcomes.

The Committee received the bulk of its evidence on the Australia-China dialogue. While the Australia-China dialogue is certainly the more established of the three dialogues, the focus of the inquiry was on the process rather than on specific dialogues.

However, it is worth noting the evolving developments of the Australia-China dialogue because they illustrate the potential of the bilateral human rights dialogue for engagement on human rights concerns.

The Committee was pleased to hear from the Australian Government and non-government organisations (NGOs) alike that the Australia-China dialogue is characterised by an increasing degree of openness and trust. Over the years, the delegations from China and Australia have expanded to include representatives from a number of different agencies and discussion takes place on a widening range of human rights concerns. In recent years, the Australian delegation has been invited to visit provinces outside Beijing, and Tibet. In 2004, for the first time, Australian NGO representatives were able to meet with Chinese government officials in advance of the official talks to discuss human rights concerns. That

meeting went well and subsequently, the Chinese Government invited NGOs to attend future human rights dialogues in China. At the 2005 round, at China's suggestion, there was a special focus on the rights of persons living with HIV/AIDS.

The Committee also wishes to acknowledge the important complementary role of the technical cooperation activities associated with the bilateral human rights dialogues. The Australia-China Human Rights Technical Co-operation Program (HRTC) makes a practical contribution to improving human rights through various capacity building and institutional strengthening activities. The HRTC's program focuses on legal reform, women and children's rights and ethnic and minority rights. While there is not yet a dedicated program for either the Australia-Vietnam dialogue or the Australia-Iran dialogue, the Human Rights and Equal Opportunity Commission has sponsored study tours that have familiarised delegates from those countries with Australia's institutional structure for the promotion and protection of human rights, and helped partner countries to identify areas in which Australian expertise might usefully contribute to their priorities for promoting and protecting human rights.

While the Committee notes the achievements of Australia's bilateral human rights dialogues, it is also of the view that there is some scope for improving the transparency and accountability of the bilateral human rights dialogues process as a whole.

In this report, the Committee has made five recommendations which will build on and enhance the existing level of parliamentary participation and oversight, involvement of non-government organisations and reporting requirements and mechanisms.

Senator M A Payne  
Chair  
Human Rights Sub-Committee



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# Membership of the Committee – 41<sup>st</sup> Parliament


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Deputy Chair   Hon G J Edwards, MP

Members	Senator the Hon N Bolkus <i>(to 23/06/05)</i>	Mr M Danby, MP
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## Terms of reference

The Joint Standing Committee on Foreign Affairs, Defence and Trade will inquire into and report on Australia's human rights dialogue process, with particular reference to:

- parliamentary participation and oversight;
- involvement of non-government organisations;
- the roles and obligations of participating agencies;
- reporting requirements and mechanisms; and
- the monitoring and evaluation of outcomes.

Referred by the Minister for Foreign Affairs on 10 March 2004.





## List of abbreviations

ACFID	Australian Council for International Development
AGD	Attorney-General's Department
Amnesty	Amnesty International Australia
AusAID	Australian Agency for International Development
CDI	Centre for Democratic Institutions
CHR	Commission on Human Rights
DFAT	Department of Foreign Affairs and Trade
ECOSOC	Economic and Social Council
EU	European Union
FIDH	International Federation of Human Rights
HCMNPA	Ho Chi Minh National Political Academy
HREOC	Human Rights and Equal Opportunity Commission
HRSGS	Human Rights Small Grants Scheme
HRTC	Australia – China Human Rights Technical Cooperation Program
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IHRC	Islamic Human Rights Commission



JSCFADT Joint Standing Committee on Foreign Affairs, Defence and Trade

UN United Nations

VCHRR Vietnam Centre for Human Rights Research



# List of recommendations

## 2 Parliamentary Participation and Oversight

### Recommendation 1

The Committee recommends that the Government encourage dialogue partners to include parliamentary representatives from their own countries to participate in future rounds of the bilateral human rights dialogues.

### Recommendation 2

The Committee recommends that the participation in and oversight of the bilateral human rights dialogues by Australian parliamentarians be fully supported and formalised by:

- (a) party leaders or the Minister for Foreign Affairs nominating one or more parliamentarians from the Government and non-Government parties to attend each dialogue
- (b) conferring official delegation status on the nominated parliamentarians; and
- (c) the Department of Foreign Affairs and Trade providing regular private briefings to the Human Rights Sub-Committee on the status of each of Australia's dialogues with China, Vietnam and Iran.

## 3 Involvement of Non-Government Organisations

### Recommendation 3

The Committee recommends 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.

## **5 Reporting Requirements and Mechanisms**

### **Recommendation 4**

The Committee recommends that the Minister for Foreign Affairs table an annual statement in Parliament on the status and proceedings of each of Australia's bilateral human rights dialogues with China, Vietnam and Iran.

### **Recommendation 5**

The Committee recommends that the Department of Foreign Affairs and Trade, the Australian Agency for International Development and the Human Rights and Equal Opportunity Commission, make more effective and regular use of their websites to convey up-to-date information on those aspects of Australia's bilateral human rights dialogues with China, Vietnam and Iran, for which they have responsibility.