



Submission No 18

Inquiry into Australia's Human Rights Dialogue Process

Organisation: Australian Council for International
Development

Contact Person: Ms Kathy Richards

Address: Private Bag 3
Deakin ACT 2600



AUSTRALIAN COUNCIL
FOR INTERNATIONAL
DEVELOPMENT

**PARLIAMENTARY INQUIRY INTO
Australia's Human
Rights Dialogue Process**

**SUPPLEMENTARY SUBMISSION TO
THE HUMAN RIGHTS SUB-COMMITTEE,
THE JOINT STANDING COMMITTEE ON FOREIGN
AFFAIRS, DEFENCE AND TRADE**

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Meeting of Australian NGOs with Chinese Government Delegation

1. A brief meeting of Australian Non Government Organisations (NGOs) and Chinese Government officials took place on Wednesday 20 October 2004 in a prelude to the Australian Government's 8th Australia-China Human Rights Dialogue. The meeting was a first, and followed numerous requests from many Australian NGOs for greater transparency of the Australia-China Human Rights dialogues, including opening the process to the involvement of NGOs.
2. The primary aim of the meeting was to formally request that the Chinese Government permit Australian NGOs to hold independent human rights meetings with Chinese civil society.
3. The Chinese delegation included around 12 officials, led by the Assistant Foreign Minister Mr Shen Guofang and including the Chinese Ambassador Madame Fu. At the insistence of the Department of Foreign Affairs and Trade (DFAT), the numbers in the NGO delegation were to be limited, and consisted of only five persons:
 - Karhy Richards (Australian Forum of Human Rights Organisations / Australia Council For International Development),
 - Mary Edmunds (Human Rights Council of Australia),
 - Michael Curtotti (National Committee on Human Rights Education),
 - Peter Jennings (Australian Council of Trade Unions) and
 - David Purnell (United Nations Association of Australia).
4. The meeting took the form of an opening statement by each group. The NGO delegation indicated that they would report back on the dialogue to a wider NGO sector that was interested in the human rights dialogue process. The NGO delegation also stressed that their meeting with the Chinese was an independent meeting and did not, and was not to be interpreted as, endorsing the Australian Government's Human Rights Dialogues. This important point was accepted DFAT prior to the meeting, and appeared to be accepted by the Chinese delegation.

Mr Shen indicated that he was expecting to meet with greater numbers of Australian NGOs than the five present (there were actually more NGOs interested in meeting with the Chinese delegation but numbers were restricted by DFAT).
5. By pre-arrangement, questions were divided amongst NGOs, covering the following broad themes:
 - a. the role of the United Nations in promoting human rights (especially through the United Nations Commission on Human Rights),
 - b. the impact of the technical support given by the Australian aid program through HREOC to Chinese departments and agencies in relation to human rights,
 - c. labour rights and trade unions in China,
 - d. human rights education in schools and beyond,
 - e. law reform,
 - f. the International Covenant on Civil and Political Rights (ICCPR), and
 - g. human rights action plans.

It was notable that the visiting Chinese delegation was fully engaged in this process, and extended the meeting time to answer questions raised by the NGO delegates. Detailed

responses were given to each question, and in several cases the visitors agreed to provide additional information after the meeting.

6. It was noted by the Chinese delegation that a significant development in China has been the amendment of the Chinese constitution to include a specific provision to protect human rights. The Chinese delegation told of greater democratisation of unions and of their more open court system. They underlined the need for more improvement in the awareness of the Chinese people about human rights, and in the government's efforts to protect these rights. They acknowledged that in many areas Chinese domestic law was still not in line with the ICCPR provisions.
7. In relation to United Nations Commission on Human Rights, the Chinese delegation expressed confidence that the Commission is an important vehicle for countries to share their understanding of human rights, and to learn from each other's experiences. They saw a useful role for the Secretariat of the Office High Commissioner for Human Rights in summarising different experiences and arranging seminars on human rights themes. They opposed confrontation and accusations (no doubt because of the China resolutions that have been before the Commission on many occasions). They affirmed Australian Mike Smith's role as chair of the Commission in that year (2004), and indicated a wish to work more closely with him during his tenure as president.
8. Discussion followed on the quality and attributes of civil society in China. Foreign Minister Mr Shen indicated that there were many NGOs in China – claiming 260,000 – and he affirmed an NGO role in promoting human rights.
9. Mr Shen invited Australian NGOs to visit China in 2005 and continue human rights dialogues. The Australian NGO delegation indicated interest in following up on this inaugural meeting. A formal request was made for permission to have an Australian NGO – Chinese NGO human rights dialogue process, independent of the Government-level dialogues. Mr Shen welcomed this idea, and invited the Australian NGOs to follow up on this proposition. Mr Shen repeated these comments during the formal reception and the press briefing following the government-level dialogues.
10. The meeting was followed by a formal reception at which other NGOs were present along with members of the official Australian Government Delegation, DFAT staff and academics.
11. It should be noted that there continues to be wide debate in the Australian NGO sector on the risk that this meeting was seen by the Australian Government as a way of giving greater legitimacy to the Government's Human Rights Dialogues, possibly making it more difficult for NGOs to independently raise concerns about the processes of the dialogues. Those NGOs involved in the meeting welcome and actively contribute to this debate. There has been widespread concern that the careful selection of NGOs by DFAT for the meeting restricted some NGOs from involved and indicated some 'nervousness' that there would be difficult issues raised in the meeting.
12. Overall the experience of the NGOs involved in the meeting was very positive, and indicated potential for more robust discussions in the future. The Chinese group showed great interest in the issues raised. Many NGOs are eager to pursue this type of meeting in the Iranian and Vietnamese Human Rights Dialogues. Unfortunately there was not time for the Chinese delegation to ask Australian NGOs more about the human rights situation in Australia.