



Submission No 1

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

Name: Dr Kristine Klugman OAM
President

Organisation: Civil Liberties Australia
Box 7438
Fisher, ACT 2611

Human Rights dialogues with China and Vietnam:

Inquiry by the Human Rights subcommittee of the
Joint Standing Committee on Foreign Affairs Defence and Trade

An evaluation of the effectiveness of human rights dialogue processes must rely on the DFAT annual report. According to the media release, the focus of the committee will be on:

- * parliamentary participation and oversight
- * involvement of NGOs
- * the roles and obligations of participating agencies
- * reporting requirements and mechanisms
- * the monitoring and evaluation of outcomes...
- * whether this dialogue mechanism should be adopted by other countries
- * exploring options for alternative human rights mechanisms

In essence, such an examination is absolutely impossible, because the DFAT annual report does not address these issues.

In the index, there is no entry under dialogues. Under human rights, there are scant references. Nowhere is there the detail to answer the questions the committee poses.

On page 40, there is one paragraph on Australia-Vietnam human rights dialogue: two meetings in Hanoi in August and December 2009. On page 103, there is one sentence with the most nebulous words: viz discussions on “national approaches to human rights, freedom of expression and association, freedom of religion and belief, criminal justice and the death penalty” (Presumably we are against the last mentioned).

On China, there is no reference to dialogues at all. The sole reference on human rights is “ We also made targeted representations on human rights” ie complained about Australians in jail. The overwhelming emphasis in the DFAT annual report is on trade talks and security.

In summary, the committee will have to look to sources other than the DFAT annual report if it wants answers to the questions to evaluate human rights dialogue processes.

CLA strongly supports the statement AFHRO members submitted in 2005 to the Committee's inquiry into Australia's human rights dialogues a statement of principles which NGOs wanted to have adopted as the basis for the dialogues.

- *We support human rights dialogue as a means for advancing human rights internationally.*
- *We regard human rights dialogue as only one of the avenues for advancing human rights.*
- *Other approaches, such as international monitoring through United Nations bodies, are equally if not more effective.*

- *We urge Australia to ensure its commitment to the human rights dialogue process does not result in the preclusion of the option of pursuing UN resolutions on human rights or the use of other mechanisms.*
- *We are concerned that human rights dialogue may become an end in itself. Human rights dialogue is the means to an end; it should be results oriented to ensure real progress in the observation of international human rights standards.*
- *We believe that transparency and accountability are generally desirable in human rights matters and both are necessary in the human rights dialogue process.*
- *We recommend that the human rights dialogue process be more accountable to parliamentary agencies, such as the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade.*
- *We believe that civil society, including non-government organisations (NGOs), has a positive role to play in the human rights dialogue process. The involvement of independent NGOs would bring greater transparency and credibility to the process and lead to more effective outcomes.*
- *We see a need for clear reporting on human rights dialogues, with particular attention to the outcomes. All interested parties should have access to such reports.*
- *We recommend the establishment of clear and measurable benchmarks for all human rights dialogues to ensure the most effective outcomes.*
- *We believe that the human rights dialogue process should specifically address the rights of women, children and minorities.*

As well, CLA believes that Australia should be much more proactive in raising human rights and civil liberties issues outside formal dialogue. We look forward to Australia being the first country in the world to speak out unilaterally when particular action(s) in China or Vietnam are contrary to Australia's beliefs and values. We will be proud when Australia becomes a world leader in speaking up for liberties and freedoms of people in Vietnam and China...and elsewhere around the world.

Dr Kristine Klugman OAM
President

14 July 2011

Attached: Please see also our submission to the Annual Report review

CLA Civil Liberties Australia Inc. A04043
Box 7438 FISHER ACT 2611
E: [secretary \[at\] cla.asn.au](mailto:secretary@cla.asn.au)
Web: www.cla.asn.au