



**COMMONWEALTH OF AUSTRALIA**

# **JOINT STANDING COMMITTEE**

**ON**

**FOREIGN AFFAIRS, DEFENCE AND TRADE  
(Human Rights Subcommittee)**

**Reference: Regional dialogue on human rights**

**SYDNEY**

**Thursday, 5 February 1998**

**OFFICIAL HANSARD REPORT**

**CANBERRA**

# JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

(Human Rights Subcommittee)

## Members:

Mr Nugent (Chair)  
Mr Hollis (Deputy Chair)

Senator Bourne	Mr Brereton
Senator Chapman	Mr Barry Jones
Senator Harradine	Mr Price
Senator Reynolds	Mr Sinclair
Senator Schacht	
Senator Synon	

The committee is to inquire into and report on:

The effectiveness of Australia's regional dialogue on human rights, with particular reference to:

the current debate on the interpretation of human rights in this region;

the place of human rights (civil and political, economic, social and cultural), including the issue of freedom of speech and expression, in the relations between Australia and our regional neighbours;

the place of the debate on human rights in the debate on regional security and stability;

the extent of ratification of the UN human rights treaties in this region and the impact of this on the promotion and protection of the rights of children (including child labour issues), women, workers, indigenous people and minorities; and

the role of existing institutions, both government and non-government, other linkages and avenues for dialogue, and the means by which these might be improved.

**WITNESSES**

**CURTOTTI, Mr Michael Angelo, Secretary, Australian Forum of Human Rights Organisations, 18 Hickey Court, Weston, Australian Capital Territory124**

**DIGNAM, Mr Quentin, Community Development and Outreach Officer, Service for the Treatment and Rehabilitation of Torture Trauma Survivors, 152-168 The Horsley Drive, Carramar, New South Wales176**

**DUMMETT, Mr Kel John, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000163**

**MURDOCH, Mr Lachlan, Acting Director of Operations, Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, 152-168 The Horsley Drive, Carramar, New South Wales176**

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**VAN GELDER, Ms Vivian Ann, Australian Forum of Human Rights Organisations, 18 Hickey Court, Weston, Australian Capital Territory124**

**WING, Mr John Robert, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000163**

**JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE  
(Human Rights Subcommittee)**

*Regional dialogue on human rights*

**SYDNEY**

Thursday, 5 February 1998

Present

Mr Nugent (Chair)

Senator Harradine Mr Hollis

Senator Reynolds

Senator Synon

The subcommittee met at 9.46 a.m.

Mr Nugent took the chair.

**CURTOTTI, Mr Michael Angelo, Secretary, Australian Forum of Human Rights Organisations, 18 Hickey Court, Weston, Australian Capital Territory**

**VAN GELDER, Ms Vivian Ann, Australian Forum of Human Rights Organisations, 18 Hickey Court, Weston, Australian Capital Territory**

**CHAIR**—Good morning, ladies and gentlemen. I declare open this second day of public hearings in Sydney for the regional dialogue inquiry being conducted by the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Is it the wish of the committee that the supplementary submission 17A from the diplomacy training program be accepted as evidence and authorised for publication? There being no objection, it is so ordered.

Our first witnesses today are from the Australian Forum of Human Rights Organisations—good morning and welcome. The subcommittee prefers that all evidence be given in public but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I now invite you to make a short opening statement if you wish, before we proceed to questions.

**Mr Curtotti**—Firstly, I would like to thank the subcommittee for meeting with representatives of AFHRO. I give my apologies for being late this morning. I was not able to make it through traffic as quickly as planned.

I want to take this opportunity to express the gratitude of AFHRO to Vivian Van Gelder for the work she has put into developing the AFHRO discussion paper. I also take this opportunity to say a word or two about the nature of AFHRO and to emphasise that because we are a loose coalition of human rights organisations, neither of us speak formally on behalf of AFHRO or any of its member organisations. Nonetheless, the submission that has been put before you has been considered by members of the AFHRO network. It includes ideas that have been contributed during that process of consultation. Could I just clarify at this stage whether you want us to speak briefly to our submission and then have a question time?

**CHAIR**—If you would like to briefly speak to your submission, perhaps emphasising the key points as you see them, then we will go into questions.

**Mr Curtotti**—Perhaps I will lead off with a discussion addressing particularly the first and fifth terms of the subcommittee's terms of reference. Then Vivian will give an

overview of the submission and some of the key points that are made in it and some of the key recommendations that are raised.

In terms of the debate on cultural relativity, three particular issues in relation to human rights are obviously the key issues that are impacted upon by that debate. They are: the universality of human rights; the question of indivisibility of civil and political rights from social, economic and cultural rights; and the question of the role of the international institutions and international scrutiny in the protection and enforcement of rights. The brief comments I would like to make on that debate look at it in terms of the impact of arguments of cultural relativity on those three core elements of the human rights system which are the underpinning elements of that system.

Firstly, in terms of universality, I think that it is a fairly widely held view among human rights organisations that, although cultural differences certainly exist and there is a great variety of cultures around the world, there is no necessary implication from that that there cannot be universal core values which are shared by all societies and which find expression in the universal declaration of human rights. The whole history of the human rights movement and the documents that it has produced point to both. Over that period there are occasions when the entire international community has endorsed the elements of the universal declaration and various aspects of the human rights instruments. This shows the great dynamism of the human rights movement. In fact, the universal declaration of human rights is not a document that was brought down like the Ten Commandments on tablets of stone and has not changed since.

There has been a great evolution in human rights principles over the last 50 years, and developing countries, as much as any other countries, and certainly Asian countries, have had a large input into the shape that the human rights movement and human rights principles have today. In essence, we feel that there should not be any real withdrawal from the idea of universality which is, we believe, of great importance to Australia, to human rights, and to the continued viability of the human rights movement.

In respect of indivisibility of human rights, I suppose it is a little unkind to reflect on current events in Asia and the collapse of economies across Asia, but there is a relevant reflection that I think needs to be made in this context. What does the human rights perspective have to contribute to an understanding of the causes of that economic downturn, and what relevance does the upholding of the principle of indivisibility have to addressing what has happened over the last few months? The comments that are made in the AFHRO discussion paper very much foreshadow the kinds of developments that have occurred and make the argument that sustainable social order requires the protection of both civil and political rights, and social and economic rights, and that the two cannot be divided.

In terms of international scrutiny, the whole cultural relativity argument has an underlying political purpose in terms of the workings of the UN system. That political purpose or

objective is to change the way the UN system operates in terms of passing resolutions addressing country situations, essentially, in an attempt to eliminate or downgrade that international scrutiny of the violations of human rights. Coupled with that is opposition to the system of international investigation in the special rapporteurs which operate under the auspices of the UN Commission on Human Rights. So, apart from its valid philosophical elements, the discussion has a political purpose in the international context, and I think that it needs to be seen and interpreted in the context of whether Australia shares the objectives of fundamentally changing the way the international human rights system operates.

In terms of responses to the debate on cultural relativity, a number of points can be made. One is that greater engagement of those making the arguments needs to be undertaken in terms of genuinely entering into a dialogue with them about what human rights means to them, what it means to us and why it is important that what has been built over the last 50 years not be altered in ways which will undermine the system. My impression of the debate so far is that it is very much two monologues happening in different camps, without a real process where proponents are actually engaging each other on what it is they are trying to achieve in the positions they are advocating.

Another point that I feel is important is consistency in upholding human rights principles in Australia's human rights diplomacy. The reality is that the protection of human rights in the international system occurs in the context of diplomacy in which it is considered quite okay to balance up a range of national interests in deciding where to pitch our human rights advocacy. The unfortunate by-product of that approach is that we are not always consistent in what we advocate in human rights terms.

An example of this that can be cited is Australia's statement under agenda item 10 at the last Commission on Human Rights meeting where there was a very marked geographical loading of the way Australia dealt with a particular human rights situation. Basically, the closer the country is to us, the less we are prepared to be highly critical. Why we come out with that product at the end of the process is perhaps not so clear. My own view is that I do not feel there is a conscious approach of achieving that result; but in the process of dialogue that goes on within government bureaucracies in deciding each particular issue, that kind of result seems to be what we end up with.

I think there is perhaps some advantage in consciously addressing that and looking at how that result can be avoided, and perhaps better defining for ourselves what it is that we are doing in human rights advocacy and where it is legitimate and where it is not legitimate for other national interests to play a part in that. My own view is that where essentially we are acting as one international citizen together with other international citizens, broader national interests criteria perhaps take a lesser role than they might in other circumstances.

Another point which is made in our submission is that there is a case for greater use of other philosophical sources supporting human rights than just western sources. This is

particularly something that is legitimate for Australia to do as a multicultural country which can point to people from many diverse backgrounds as part of its national make-up. An example that can be cited are comments by Aung San Suu Kyi who says the Buddhist concept of authority entails very specific obligations. It goes on to say:

The Ten Duties of Kings are liberality, morality, self-sacrifice, integrity, kindness, austerity, non-anger, non-violence, forbearance and non-opposition to the will of the people.

They are clearly concepts which relate closely to human rights concepts.

The only other point that I wanted to make at this stage was in relation to term 5 of the subcommittee's inquiry. Two key dialogue processes are going on in the region. One relates to the Amman process of building regional arrangements. The great danger in that process is that it is a kind of backdoor method to introduce cultural relativity into the region in a way which undermines universal standards. Australia has been participating in that process and has been standing against that outcome. I feel it is important Australia continue to play that role.

The other key regional forum is that of national human rights institutions, where Australia is playing a lead role. In essence, it is one of the high points of our human rights diplomacy. I feel that the government needs to be given every encouragement to continue that work. Thank you. I will hand over now to Vivian.

**Ms Van Gelder**—My comments are of a more general tenor about the general nature of the debate. The continuing rise of the Asia-Pacific region to a position of international power has brought the need for attention to human rights in this area to greater prominence. It is generally recognised that many governments across the region, as distinct from individual populations within the region, interpret fundamental human rights concepts differently to nations outside the region.

While the traditional interpretation of human rights depends for its strength on the concepts of universality and indivisibility of rights, as Michael said—that all human beings are entitled to the same rights and that no one right can be sacrificed for another—these interpretations compromise this strength by an excessive emphasis on the local and the specific. While there can be no blanket rejection of the validity of an argument that asks for recognition of cultural difference, the aim of such an argument is often to remove the impact of international human rights standards on the unfettered power of authoritarian governments.

From the standpoint of states who have long supported the traditional universal view of human rights, the use of calls for cultural sensitivity to justify abuses of human rights in the name of authoritarianism cannot and should not be tolerated. Further, there appears to have been a movement on the part of the present Australian government to accept arguments, put forward by regional governments, that the observance of minimum human



rights standards requires an unacceptable compromise on issues such as economic development and social stability.

The cultural relativity argument, used by many nations in our region, claims that international human rights standards are inapplicable to the Asian context and that to support such standards would pose a threat to the stability and prosperity of the state concerned. Our submission is that the perception of such a threat is flawed and that it is the responsibility of the present government to ensure that the links between promotion of human rights standards and an improvement in social stability and economic development possibilities are enunciated to our regional neighbours.

The human rights dialogue between Australia and our regional neighbours can be most effectively facilitated through the maintenance by Australia of its longstanding reputation as a nation committed to the promotion and realisation of international human rights standards. This includes acting domestically to ensure that Australia complies with its international obligations, as well as acting against tolerating international abusers of human rights. It is apparent that work by the present government in both areas is needed in order for the regional dialogue on human rights to bear fruit.

Domestic events such as the recent downsizing of government agencies, especially the Department of Foreign Affairs and Trade, and the reduction of the scope of their human rights activities without a corresponding reassignment of those activities to other government or non-government organisations are playing a part in reducing the effectiveness of our dialogue. This effectiveness is further compromised by actions at the international level, such as the present government's policy of non-linkage between trade and human rights, which led to its refusal early last year to accept the standard human rights clause in the European Union trade agreement. Such events arguably strongly compromise Australia's longstanding reputation as a world leader in human rights protection and correspondingly diminish the effectiveness of our dialogue with regional nations.

The effectiveness of our regional dialogue on human rights is waning. We submit that that effectiveness can be revived by a return to Australian's long-term commitment to universal human rights, along with a determination to interrogate the justifications that our regional neighbours claim for defaulting on their human rights obligations, as well as to use each regional contact as an opportunity for demonstrating the benefits of human rights observance. In this way, Australia may avoid sacrificing its long and internationally respected tradition of support for human rights, as well as improving relations between Australia and our regional neighbours by aiding those nations to come to a greater understanding and acceptance of international human rights standards.

In terms of the specific areas being investigated by the committee, our submission is as follows. The current debate on the interpretation of human rights in this region is dominated by the concept of cultural relativity, that is, the inapplicability of international standards to the local regional context. The dominance of this concept fundamentally

threatens the effectiveness of the international human rights standards that Australia has traditionally supported, and, as such, the effectiveness of our regional human rights dialogue rests on our continued and visible support of universality and indivisibility of human rights.

The place of human rights in the relations between Australia and our neighbours is of equal importance to all other aspects of those relations. It is submitted that the effectiveness of our regional dialogue is compromised by the tendency to water down our human rights advocacy where it is perceived to endanger trading relationships with our regional neighbours. Specifically, the dialogue is hampered by government insistence on the non-linkage of trade and human rights. If effectiveness is to be increased, it is submitted that this policy requires review.

The debate on regional security and stability is, like the basic debate on the interpretation of human rights in the region, to some extent based on the concept of cultural relativity or the distinctiveness of Asian values. However, appeals to the uniquely fragile nature of Asian society to support repressive acts in the name of national security and stability are unsupported by both historical and contemporary evidence.

To enhance the effectiveness of our regional dialogue it is submitted that the government, through its diplomacy, instead emphasise the essential connection between respect for human rights and stability of civil society. The extent of ratification of human rights treaties in this region remains narrow. As ratification is the first step towards the acceptance and observance of basic human rights standards, it is submitted that the effectiveness of our dialogue may be enhanced by encouraging regional nations to increase their rates of ratifying these treaties. To this end Australia may assist in defraying the costs of doing so, which is often cited by such nations as a reason for inaction, through its incorporation into our foreign aid program.

As regards the effectiveness of our dialogue concerning the rights of children, women workers, indigenous people and minorities, if Australia is to lead the region by example in these areas they require greater attention. Australia's commitment to respect the human rights of several of these groups—most notably those of women and indigenous people—has recently come under unfavourable international scrutiny. It is submitted that eroding our reputation in these areas compromises the effectiveness of our dialogue within the region.

The role of the existing institutions in our regional human rights dialogue must be seen as that of maintaining Australia's traditional commitment to human rights and manifesting that commitment in dealings with the region. There is scope for greater involvement of institutions in subregional activities—for example, in the South Pacific area. Further enhancement of the effectiveness of dialogue could be achieved by closer cooperation with Asian non-government organisations.

It is submitted that continued Australian participation in the development of national human rights institutions within regional nations is essential to the future of any regional human rights body.

**CHAIR**—I have a question of clarity on one particular aspect. You talked about the linkage of trade and human rights. Without getting into the discussion per se, you seem to imply that the decoupling of trade and human rights is something that is unique to the current government.

**Ms Van Gelder**—No, not at all.

**CHAIR**—I just wanted to clarify that that was not what you were trying to say. Because it has been an ongoing thing for governments of all persuasions.

**Ms Van Gelder**—I was just using that as an example.

**CHAIR**—That is fine. You also commented on our performance in this country, particularly in relation to women and in indigenous matters. I think the phrase used was ‘eroding our reputation’. Would you like to give some examples to support that statement?

**Ms Van Gelder**—Recently, the UN Commission on Human Rights expressed concern about Australia’s stance on women’s rights. That was late last year. They expressed concern that perhaps support for women’s rights within the country was not as strong as it used to be—that we had been on the cutting edge of support for the international human rights of women, and that that stance had changed at the international level as well as at the local level.

As for indigenous people, I think the debate over the Wik decision has come under international scrutiny and that the actions of the government are being closely scrutinised in terms of our commitments at the international level in this area. As I said, if we are to lead by example, which is presumably one of the things that we want to do in the region, these areas need to be tidied up.

**CHAIR**—The fact that things come under scrutiny does not necessarily mean that they are wrong.

**Ms Van Gelder**—Not wrong but inconsistent, perhaps, with our previous stance on human rights.

**Mr Curtotti**—Perhaps if I could add that the comments being made are made without reflection on the government of the day. It is simply comment on what is happening in practice in the international arena—how the international community is reacting to Australia, how Australia’s behaviour in the international forums is different from what it may have been in the past. Those decisions are not necessarily made at the political level.

In many cases, they are made at the bureaucratic level which means that the officers responsible seek to interpret the government's intention in the context that they are in. Whether that interpretation is correct is another matter.

**CHAIR**—What I am trying to draw out is where the evidence is for your drawing those conclusions. You make the statement that it has damaged our international reputation and I am trying to establish how you have come to that conclusion. You may hold that opinion, and you may be right, but on what evidence do you base that? Can you produce international reports or particular statements? It is very easy to make a declarative statement but where is the substantive evidence that you have got to substantiate your view? I may agree with you but I am trying to get the evidence for the record.

**Mr Curtotti**—In terms of human rights treaties, three treaty bodies have questioned Australian practice or expressed concern about Australian practice in recent times. The detention of refugees or asylum seekers in Port Hedland was one example. Australia's general practice in terms of the rights of women was another, and more recently there has been the issue of Australia's practice in terms of the implementation of the Convention on the Rights of the Child. They are specific examples of where questions are being asked about Australia's practice.

**CHAIR**—Could you produce documents that say those things?

**Mr Curtotti**—All those documents could be tabled.

**CHAIR**—If you could produce those, we would be grateful. Please send them to the secretary. One of the suggestions that has been put to us in this inquiry is that in various parts of the world there are regional human rights agreements, as well as the UN type general standards, and that maybe it would be conducive to developing better human rights practices in the Asia-Pacific region if there were regional agreements in the Asia-Pacific area, which is probably the one part of the world that does not have them. Europe has them, Africa has them and so on. What would be your reaction to that sort of suggestion?

**Ms Van Gelder**—In general, if there is to be such a process, then Australia obviously needs to be involved. Some concerns have been expressed that with the process as it currently stands—I think you referred to the Amman process—there has been a lean towards incorporating cultural relativity as part of that. Some have suggested that it is not a good idea for Australia to become involved in any body that would be based on those principles. But, in terms of being part of the debate, I would consider that it would be essential for Australia to take part in that. Whether we would want to be part of the outcome would depend on what the eventual body was based on.

**Mr Curtotti**—I feel, as a longer-term exercise, the eventual development of an Asia-Pacific human rights system is an important element in making human rights something which is of greater appeal to the Asia-Pacific region. The fact that we do not have a

regional treaty or some kind of fairly substantial regional arrangement puts the Asia-Pacific at odds with the rest of the international community. As an eventual development, I think it is an objective Australia should have in mind. It would assist the protection and promotion of human rights in our region if there was such a regional body. It may not do everything that a European convention might do but, in the shorter term, it is essential that any development in that direction not be inconsistent with what is already in place.

That does not mean that we should shy away from all development. An example of something that is happening at the moment is the regional network of national human rights institutions, which is in the process of developing or examining the possibility of developing some kind of judicial advisory board which would provide advice to the different national human rights institutions. That represents a step along the road to the development of an Asia-Pacific human rights law.

**CHAIR**—I put it to you that the institution you are talking about is actually aimed at talking about governance, institution building, strengthening and so on, but it is not dealing with the question of standards. Perhaps the counter-argument to having an Asian agreement is that you might only get that on the basis of the lowest common denominator. Therefore, you would have a weakening of the basic standards. Therefore, would it not be better just to maintain the international standards that are there through the United Nations in any case? I am just trying to test the views. Senator Reynolds is dying to get into the questioning and I will pass it to her.

**Senator REYNOLDS**—Could I first of all make a very important statement. It is that yesterday I was wrong, Mr Chairman. I made a comment in a question that Foreign Affairs had not yet submitted their report to this committee because of shortages in resources. While that statement may have been correct at a certain time, it is no longer correct, and I would like to withdraw it because Foreign Affairs have, in fact, provided their submission to this committee.

Having said I was wrong once, now I would like to put on the record—it is nothing that I have said—something to reinforce what Ms Van Gelder said about the CEDAW committee expressing concern. It was more than concern and I would like to read it into *Hansard*. It is under ‘Areas of Concern’, No. 28, in the report:

The Committee was alarmed by policy changes that apparently slowed down, or reversed, Australia’s progress in achieving equality between women and men, such as in housing and childcare programmes, and in employment assistance. It was concerned about the delay in appointing a Sex Discrimination Commissioner—

that, of course, has been corrected now, I think—

and about the Government’s declared intention to change its human rights policy and legislation as it pertained to women.

That is the review of the affirmative action legislation. I will provide the full copy of that report. I would like to take up Mr Curtotti's point. It is very perceptive to say that some of these perceptions that are being generated in the international community are not literally coming from elected representatives. This is something that is very important for this committee to home in on.

I can give you a very good example. When, at the general assembly, the debate in the third committee was focusing on indigenous rights and racism—two separate resolutions—we were told that Canberra had said that Australia was not to make a statement. That was not a decision of the minister. It was not a decision of the Prime Minister. It was certainly not a decision of Mr Nugent. It was the decision of a bureaucrat who was not even in the Department of Foreign Affairs and Trade. I will leave you to guess where it came from.

**CHAIR**—You have whetted our appetite. Tell us.

**Senator REYNOLDS**—It came from within the Department of the Prime Minister and Cabinet but not from the Prime Minister. In these situations everybody blames the elected representatives, but because there is a certain ideology, mood or climate—call it what you will—people whose task is not to decide the direction of Australian foreign policy, such as certain bureaucrats, second guess what three key people, the Prime Minister, the minister and the Deputy Prime Minister, may do. And that was the case. In the year when Australia had focused on those two issues in both domestic and international policy, we were to remain silent.

The good news is this, as you might expect, Mr Chairman. I jumped up and down about this and said it was outrageous and got in touch with the minister's office. He probably agreed with me because we actually co-sponsored those two resolutions. Australia's honour was restored. I think it is very appropriate, and I am glad that you picked up on it. Bureaucrats second-guess what ministers or prime ministers may be thinking, and they often get it wrong. In this case it was a very good example.

**CHAIR**—Do you have a question?

**Senator REYNOLDS**—I do have a question, but I did want to make those two points. Mr Curtotti, you explained that your organisation is a loose-knit group of human rights organisations. How long has it operated?

**Mr Curtotti**—It has been in operation for at least three years in its current form. Six years ago ACFOA and the Human Rights Council of Australia were very involved in its establishment, and it now includes over 30 organisations concerned with human rights, particularly the international aspects of human rights.

**Senator REYNOLDS**—Do you have a formal relationship with either the Attorney-General's Department or the Department of Foreign Affairs and Trade?

**Mr Curtotti**—Our relationship is most closely with the Department of Foreign Affairs and Trade. We participate generally on a biannual basis with the Department of Foreign Affairs and Trade in the human rights consultations, which they host. The agenda which is developed for that forum is developed jointly with the Department of Foreign Affairs and Trade in consultation with the NGOs that make up the Australian Forum of Human Rights Organisations.

**Senator REYNOLDS**—You both made the point that Australia is playing a leading role in terms of national human rights institutions in the region, but you also made the point that while on the one hand that is a key and significant role, we risk undermining that role if there are certain areas of domestic and international policy that seem to contradict our proactive role in regard to human rights institutions. To what extent do you think that there is an opportunity to address this risk in this year, 1998, being the year when we mark the 50th anniversary, and being the year when I understand there is a very real move to get the human rights education momentum going, although somewhat belatedly in Australia? Could 1998 be the turning point?

**Mr Curtotti**—Those two issues, human rights education and the 50th anniversary, are very much issues that are on the table and being discussed with the government by human rights NGOs. In terms of the former, human rights education, we have had a very positive and supportive response from government, and from the officers we have spoken to, to initiatives to pursue the UN decade for human rights education. I certainly feel it is a development of fundamental and long-term importance to Australia and to the observance of human rights both domestically and internationally by Australia.

In terms of the 50th anniversary, there has been less development in terms of a government response to the 50th anniversary than perhaps we might have hoped. A comparison could be made with Canada. Perhaps it is not fair to make these kinds of comparisons but the Canadians launched the human rights year with the release of a human rights kit aimed at Canadian youth and which distributed the universal declaration. It was launched by their relevant ministers.

Basically, they put a lot of emphasis on the 50th anniversary. I feel that silence about the 50th anniversary from the leaders of society, whether they are government or opposition, would send a pretty negative message about where Australia stands on human rights.

**Senator REYNOLDS**—Presumably, in terms of the work of this committee, it would not be too late. One could launch a similar kind of initiative on the actual anniversary. Yes, we can all say it would be good to have had it this year but, in budgetary terms, it would still be possible to get recommendations for something to be done as of December to lead into the following year.

**Mr Curtotti**—Indeed. That is very much what is being discussed at the moment with government officers. We are discussing what sort of initiatives can be taken for the 50th

anniversary itself. This committee's comment on that issue, I think, would certainly be helpful.

The parliament's involvement in the 50th anniversary is something that is called for by the United Nations in its plan of action for the 50th anniversary. Two years ago the parliament passed a resolution on the universal declaration and the 50th anniversary would certainly be an opportunity to do that again. I am sure it would enjoy, as it did last time, bipartisan support.

**Senator REYNOLDS**—You state on page 4 of your submission that Asian NGOs reject arguments of cultural relativity. I know the kinds of arguments that are put forward, obviously, by NGOs. Australia has a good working relationship with NGOs at home. For instance, the Department of Foreign Affairs is working with you, and you have biannual meetings with the department. Australian governments, by and large, have respect for the work and role of NGOs, even if sometimes they do not appreciate the criticism. Do you think Australian governments of either political persuasion listen to Asian NGOs? Just as you are effective in putting your views across, do you think there is a listening capacity or even a mechanism for government to hear what Asian NGOs are saying about this vital issue of cultural relativity?

**Mr Curtotti**—As far as I am aware there is not a conscious effort by the government to speak to Asian NGOs. I think that is a longstanding historical thing. Whether that is now occurring in an increasing way I cannot say. Most of these kinds of discussions would go on. The most logical way for these kinds of discussion to be undertaken would be through diplomatic channels in the relevant countries. That would be reported in the confidential cables of the department. If it is happening we may not necessarily hear about it.

Certainly, it is something that a number of Australian NGOs are pressing as appropriate for the government to do. Asian NGOs are expressing a quite different view about cultural relativity than Asian governments and to consult only with those governments may miss what is actually the view of Asia on human rights questions.

**Senator REYNOLDS**—I think all parliamentarians have probably had the experience of visiting the region and asking to meet with NGOs, and not necessarily on the issue of human rights. Usually there are sort of blank expressions from Foreign Affairs officials because they do not, as a matter of course, include NGOs. They are good at home, but it is not as standard. It depends very much on the individual, and some of the younger, more proactive members of staff are more likely to have links. But in general it does not seem to occur. It seems that there is a bit of a mismatch here, given the good relationship within Australia. Thank you.

**CHAIR**—Thank you, Senator. I must say that I am not sure that I agree with that statement. My experience has been somewhat different.



**Senator REYNOLDS**—It probably does vary from post to post.

**CHAIR**—In Thailand the post has good ongoing relationships with local NGOs and we arrange meetings. When this committee went to Hong Kong early last year, the Hong Kong post had set up a number of meetings for us with local NGOs. There are a couple of specific examples within my own experience where that has not been the case.

**Senator REYNOLDS**—It probably varies.

**CHAIR**—It may well depend on individuals.

**Senator REYNOLDS**—Yes.

**Mr HOLLIS**—In your statements this morning you have made quite a lot of cultural relativity and Asian values and some of that obviously has been discussed here in the last couple of days. Given the current economic situation in Asia—and one does not know where that is going to go—do you think in your experience that what is happening in Asia today will emphasise or reinforce the view of Asian values as they relate to human rights, or do you think that it would show that there are no such things as Asian values, that human rights are human rights, full stop. With that in mind, what do you think that the future of human rights in the region is going to be, say, post the Asian economic crisis?

**Ms Van Gelder**—When you ask whether it may take credence away from the argument of Asian values, I think that it is possibly more likely that because part of the debate has been in terms of indivisibility of human rights, a lot of the Asian nations will argue that, say, the right to development and the ICESCR rights are more important than the civil and political rights. But they may actually seize upon that to emphasise that these rights are more important. So it may not have an ameliorating effect. It may actually have a worsening effect, or it may emphasise the split that is put forward between those two sets of rights. In terms of post Asian crisis, I imagine—

**Mr HOLLIS**—We always assume that there is going to be a post.

**Ms Van Gelder**—Indeed. But I expect that the eventual outcome would depend on whether the crisis has the effect of emphasising that division between different types of rights.

**Mr HOLLIS**—In your paper you refer to the issue of freedom of speech and the curtailment of media by some Asian governments, and you say that Australia's stance is unclear. I thought that our stance was fairly clear. Would you care to expand on that?

**Ms Van Gelder**—That is something I am actually a little shady on at the moment. Perhaps Michael has a bit more to say about that.

**Mr Curtotti**—No. I cannot really add to that a great deal except that in the popular press there are many claims of restrictions on press freedom.

**Mr HOLLIS**—Where? In Asia or here?

**Mr Curtotti**—In Asia and in terms of Australia's response to those. An example that springs to mind are the events that occurred in Malaysia around an attempt to hold a conference which was broken up by the—

**Mr HOLLIS**—Timor. Yes, go on.

**Mr Curtotti**—Yes. The response from Australia essentially was that these kinds of events were a domestic matter. It seemed to be an incident where people's freedom of association and freedom of expression were being interfered with, whether by the local government or by others acting on their own behest. Australia's response was that this was a domestic matter. But there were human rights issues there.

**Mr HOLLIS**—Yes. But bear in mind that in the case of the trade union official who was arrested there, that came back and got quite a lot of publicity. I think that if you talk to any journalists here, it is an accepted fact that there is great restriction. As members of parliament and others know, we are often approached by some of the embassies here even about the freedom that the media has in this country. The ABC must be the bane of their lives because they are constantly being criticised. I think that many Asian governments cannot understand why the Australian government, of whatever political persuasion, does not exercise the rights it has.

**Mr Curtotti**—I do not suggesting that there is any restriction on Australian press freedom. I do not think that is the suggestion at all. The comment that is made in the paper is in terms of what is an appropriate Australian response to instances in the region where freedom of expression, or association, is curtailed and whether it is appropriate to respond by saying, 'That is a matter for them.' It is an issue of whether we should be raising relevant human rights principles where there are those kind of instances.

**Mr HOLLIS**—An interesting aspect we keep referring to is our trip to Hong Kong last year which was for many of us somewhat of a learning exercise. I think that a danger we found in Hong Kong where there was freedom of the press was where there was great self-censorship by the editors.

**CHAIR**—They called it 'commercial decisions'.

**Mr HOLLIS**—Yes. And it was quite interesting how they justified that. As Mr Nugent says, 'commercial decisions'. We actually questioned many people—and we met leading journalists and editors—and interestingly from that, we had a group of journalists from Hong Kong who visited us in Parliament House. They all came in with their tape

recorders, but at various times, very quietly, when a question was asked, each switched the tape recorder off when one of the Chinese journalists was given the answer. Afterwards they would switch the tape recorders back on. Occasionally they were all sitting there with their tape recorders and if one journalist had not turned the tape recorder off, a hand would come over and turn it off. That, again, was an expression of self-censorship, if you like. But they would argue to us very strongly that there was no censorship there and that there was freedom of the press.

In many respects that is an even more insidious thing because where there is definite curtailment, you can get up and argue against that and mount a case. But you cannot mount case if a journalist or an editor says, 'I made a decision about what story was in the best interest to publish.' That is a comment rather than a question. Thank you, Mr Chairman, that is all I have got.

**CHAIR**—Thank you very much.

**Senator SYNON**—How could we better coordinate the resources, expertise and interest of non-government organisations, community groups, groups representing human rights—such as yourselves—church groups which you refer to in your submission, and government? How could we better coordinate ourselves so as to be a more effective voice on human rights in the region? What kind of internal mechanisms might we have?

**Mr Curtotti**—Australia already has a very good record of consultation with community groups on human rights issues, and on a range of issues that impact on human rights, such as aid. A practice that is more prevalent in other contexts—such as the environment context—which might be suggested in the human rights context, is greater use of NGO representatives in government delegations attending human rights meetings. I think that is a particular issue that needs to be looked at, particularly in the context of the very tight resources facing human rights agencies at the moment.

In terms of improving our effectiveness, the reduction of funding for human rights agencies is also an issue that needs to be looked at. There is a definite reduction in the amount of resources going to human rights activity, and that inevitably has an impact on the ability of Australia to play a role in the region and more broadly in human rights advocacy. For instance, I understand the position dedicated to human rights is to be abolished at the Geneva mission, which would quite significantly impact on our capacity to cover the Commission on Human Rights. I am sure you are aware of other instances where resources have, for whatever reason, been allocated elsewhere or where it has been decided that we would not have the resources in the first place.

**Senator SYNON**—How is your organisation resourced?

**Mr Curtotti**—It is resourced by semicompulsory contributions from the member organisations, up to a maximum of \$100 from each organisation, and it is also essentially

resourced by the voluntary time given by people involved to making the organisation work and by the dedication of resources by the different agencies to covering the meetings that AFHRO is involved with. I certainly think there is scope for partnership between NGOs in government to achieve better human rights outcomes. I guess it is uncomfortable for both government and NGOs to work in that context, when the role of human rights NGOs—as expressed by a former Secretary to the Department of Foreign Affairs and Trade—is to be critical of government. That is one way of looking at the NGO role. Another possibly dynamic is one in which we look for where our common interest can generate partnership activities between government NGOs. An example of that is human rights education, where we have very much a shared interest and a shared responsibility to promote human rights education.

**Senator SYNON**—Are there any other areas where you feel that better partnerships could be explored?

**Mr Curtotti**—It is an issue that NGOs need to think about because every issue is obviously complex, and any kind of collaboration has to be natural, and not one where the parties are going to be in a strained relationship because of fundamentally different views on what outcomes should be. But in general terms Australia is a supporter of human rights in the international system. Australian advocacy of human rights in the international system is, as I mentioned before, particularly an area where a greater partnership role for NGOs could be explored.

**Senator SYNON**—How many member organisations do you have?

**Mr Curtotti**—About 33.

**Senator SYNON**—Do you have a formal relationship with the Human Rights Council of Australia?

**Mr Curtotti**—The Human Rights Council of Australia is one of our subscribing organisations but, as I mentioned at the outset, AFHRO does not speak on behalf of any of its organisations.

**Senator SYNON**—No. I know. I was just trying to get an idea of the scope. Does your organisation also include church groups?

**Mr Curtotti**—Yes. It includes the Quaker Service Australia, the Australian Baha'i Community, the Australian Catholic Social Justice Council and the Uniting Church of Australia. There are others, including B'bai Brith. All religious organisations are quite active in our network.

**CHAIR**—As there are no further questions, thank you very much for coming and seeing us today. I know you had quite a long drive to get here, and so it is very much appreciat-

ed. If there are any other matters that we think of that we might want your input on, the secretary will write to you. We will send you a copy of the transcript of your evidence, to which you can make corrections of grammar and fact. Thank you very much again for coming. It is a pleasure to see you, and we appreciate the effort you have made.

[11.59 a.m.]

**O'DONNELL, Dr Carol Frances, 10/11 Rosebank Street, Glebe, New South Wales  
2037**

**CHAIR**—Before I welcome the witness, we have a further supplementary submission to accept.

Resolved (on motion by **Senator Reynolds**, seconded by **Mr Hollis**):

That supplementary submission No. 3B from Dr O'Donnell be received as evidence to the inquiry into the regional dialogue on human rights and be authorised for publication.

**CHAIR**—Welcome, Dr O'Donnell. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request. In what capacity are you appearing before the subcommittee?

**Dr O'Donnell**—I am appearing before the committee in a private capacity, although I am employed in the Faculty of Health Sciences at Sydney University.

**CHAIR**—Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make an opening statement before we go on to questions. As we have just got your supplementary submission, which obviously we have not had time to read, it might be particularly helpful if you could give us an outline of what that contains as well.

**Dr O'Donnell**—Yes. Can I first say to the committee that probably the issues that I am most addressing come under the last point of the terms of reference—the role of existing institutions, both government and non-government, other linkages and avenues for dialogue, and the means by which these might be improved. The submission that I have tabled today takes a little further and develops the main points that I have made in previous submissions. Before going on to that, I could say to the committee that I am very interested in the links between trade, health and human rights, because I think there are close links between those things, and also in the importance of higher education, both in a research capacity and in an education capacity, for furthering those three agendas of health, trade and human rights.

The thing that links the trade, health and human rights agendas is in fact the concept of information. If you look at the APEC agreement, for example, the notion of transparency is one of the key guiding principles for trade in the region. If you look at the concept of health and the management of risks in health, perfect information is necessary for the perfect identification of risks in order that they should be controlled. Just as the economist

will talk about the importance of perfect information for the perfect operation of the market, it is equally true in the health portfolio that, if you are going to be able to identify risks to health, you need perfect information.

In the human rights area, the concept of freedom of information and freedom of speech are absolutely crucial key components of the concept of democracy. That is why, to me, the trade, health and human rights portfolios fit together so strongly and also why I think health is very much a key forward mechanism for forwarding both the goals of trade, on the one hand, and the goals of human rights, on the other.

The main thing that I have argued in my previous submissions is that the universities, because of their independence and because of their role in society, are in a perfect position to really promote the goals of health, trade and human rights, but that they could do so much more effectively than they are currently. That is what I want to address.

If I could draw your attention to the submission itself, the first point that I make is that although the ILO conventions I have listed are about work, many of them also involve human rights principles and relate just as much to issues of human rights as they do to work. They also relate to the protection of health and the protection of workers. In my last submission, I addressed the way in which these ILO conventions could be used in a risk management framework to promote not only Australia's trading position but also the control of risks to health and to the environment, and to embody human rights concepts and introduce those further.

I also drew to the attention of the committee a report that had been produced as a result of a trip to Vietnam, where part of the training program that was provided in cooperation with the National Institute of Labour Protection of Vietnam used these ILO conventions. The National Institute of Labour Protection and the government officials and the trade union representatives who were in that training program basically were very welcoming of the training and gave it very high marks. So that demonstrates, if you like, that that way of proceeding is one that is likely, for all sorts of reasons, to have a good reception.

I would draw your attention to the second page of this submission and talk a little about the role of the universities. Since I wrote my last submission it has been drawn to my attention that Mr Downer focused on economic governance and stressed that sound fiscal monetary and trade policies are needed to create an enabling environment for poverty reduction and sustainable development. Also in the same year, in August 1997, when he participated in a human rights forum, he announced expenditure of up to \$5 million for the establishment of a centre for democratic institutions. The money would fund the CDI's core business, which would be the design and delivery of a short intensive program on a wide range of democratic processes. It would also fund applied research.

**CHAIR**—The executive director of it sat at the back of the room for the previous witness. He has gone now.

**Dr O'Donnell**—Really? I would like to argue that in fact the CDI is in an unfortunate position, which is a similar position to that which many research institutes, education institutes and universities are currently in, in that in the absence of a national plan for research, development, education and information, and for monitoring and evaluating the development of that national plan, there is a tendency for all of the universities and research institutes and educational institutes to operate in a very fragmented policy environment. That is not efficient and it also does not effectively take forward in the best possible way these goals that all of us, whether we are working in the health portfolio or in the human rights areas, would like to see taken forward.

I suppose it is important to me to point out to the committee the limitations of the collegiate culture and also, because of the very power and importance of the university sector and other areas like the universities, the importance of incorporating those values more within the national planning framework. What I have suggested in recommendation 1 is the development of a national three-year plan for research and development information, education, monitoring and evaluation to support sustainable development, health, poverty reduction and human rights. I have suggested an aim, which is basically what I have just stated, to support sustainable development, health, poverty and human rights.

It seems to me that the health portfolio has already developed very useful sets of administrative concepts. The concept of purchaser and provider splits is a good example of that. What tends to happen in the collegiate culture, in my view, is that academics themselves put forward proposals for research, and that a more appropriate way for government to use taxpayers' resources is for the elected representatives of the people to decide what is the best way of using the taxpayers' funds to purchase the services and the research needed in the interests of the community. That is a more efficient way of operating, and basically the planning process that I have suggested in this submission reflects that view of mine.

I have suggested, on the basis of what the principal purchaser portfolios appear to be in those areas, that you could set up a planning group with two representatives of the Department of Foreign Affairs and Trade, one in trade and one in aid; one representative of the Department of Industry, Science and Technology; one representative of Health and Human Services; one representative of DEETYA; one representative of the Human Rights and Equal Opportunity Commission; and one representative of the Environment Protection Authority. On the basis of the current international agreements that Australia has entered into and the most recent reports that have been developed—such as the Goldsworthy, Simons, Mortimer, West and Wallis reports—and on the basis of course of the current program of work being carried out by AusAID, Austrade and the universities and all the other areas, a plan should be developed for the approval of Minister Downer and his principal colleagues. It is suggested that this plan, which basically coordinates the existing work in the light of the existing policy framework and recommendations, should be developed within six months with a view to calling for the universities and other similar research institutions to tender for the most appropriate bits of the delivery process of that



plan.

The second recommendation that I want to make today is to draw your attention to the need, in my view, for a report on best practice dispute resolution and prosecution principles. If you look at the Sackville report, that was a 500-page report and yet there is almost no information in it on the type, access, outcome or cost of disputes to individuals, organisations or the community. Once again, with health, as the whole of the economy turns more to the production of services rather than goods, it becomes extremely necessary to know, when you provide a service, what the outcome is—whether the outcome is a high quality outcome and whether it is cost-effective.

It is very important to try to reduce as far as possible the adversarial context in which disputes often take place, because that adversarial context can in fact increase harm rather than reduce it. Once again, if you have got the data that is drawn from having good information on the outcome, type and nature of problems which cause disputes, that data can be used very effectively to prevent future disputes.

It is important for government, in my view, to establish a mechanism whereby it can say what are good dispute resolution principles because in their absence there is a tendency for past practice to determine what will happen in the future. I think that in the light of the principles of APEC, it is necessary to come to some agreement and clarify that for universities and for other areas where dispute and prosecution are very important. Whether you are talking about health, the environment, or human rights, it is important to have consistent principles which are consistent with good management and with those issues of the development of data which promote prevention and allow outcome equity and cost to be compared and evaluated in order to bring about continuous improvement.

I think that those are the major points that I want to make, really. It is important to me that the universities, both in a research and educational context, be harnessed more effectively behind these national goals.

**CHAIR**—Thank you very much. It seems to me that one of the things you are saying is—and I think we accept the broad principle—that to advance human rights you cannot just deal with it alone. You have got to look at a number of other factors, such as good governance, the wellbeing of the people, and so on. They are all interconnected. You have drawn a particular relationship to health and you have placed great emphasis on the collection of data so that you can formulate the best policies.

It seems to me that in some of the countries—and in this inquiry we are looking at human rights in the region—one of the problems with the collection of data on which to base programs and move forward in the region is the availability of that data, or the non-availability. For example, we would have great concerns about the standards or status of human rights in places like Burma—Myanmar—but actually getting that information in Burma is extremely difficult. Movements of our diplomatic staff around the country are

extremely prescribed. Getting permission for other Australians to even get in the country is difficult.

Barry Jones is a member of this committee and an Australian parliamentarian of good standing even to those on my side of politics. Barry and I get on very well. He recently tried to go and meet people like Aung San Suu Kyi and collect other information and he found that, whilst I think he got into the country, he actually did not get to the meetings and collect the data that was obviously desired.

I think that we would have concerns about, for example, human rights in Tibet and getting China to give sufficient access and information, and being able to collect data in Tibet unsupervised so that it was clearly not tainted, if you like, in terms of its validity, would be a problem. I could go on in a number of areas. How would you see us dealing with the problem of getting good quality data in the areas that would be of interest to us, given those sorts of problems?

**Dr O'Donnell**—I think two things. Firstly, the notion of health and risk to health are less politicised concepts than either the concept of industrial relations or the concept of human rights. Just as the concept of stress as a health concept, rather than as an industrial concept, is important, I think that it is equally so in the human rights arena.

I think that the universities are a less politicised environment than many other areas of the society. To have university to university collaborative research projects related to the identification of risks to health is a very good kind of environment to begin that kind process in areas which are politically difficult or politically sensitive. In just those two things the concept of risk to health is a very useful one which can be extended carefully. And it appears possible to do so once those initial links have been made. Both in the workplace and in the community, in the concept of managing risks at source, I think that certain principles can be followed through that can be used in a wide variety of environments and extended, if it appears possible to do so.

**CHAIR**—I am not necessarily disagreeing with you, but I am trying to test the practicality in some sense. I recall that last year I paid a visit to China and one of the places I went to was Shanghai where we visited a research institute that was part of a university establishment. One of Senator Reynolds's colleagues, Dr Theophanous, was particularly interested in this particular place. He is an academic by background and there was very considerable discussion about mutual activity, and so on.

One of the things that that institute did was to give us a collection of some of their more recent research papers which we took away with us and subsequently read. I would have to say that I think Dr Theophanous at the time—and I am sure he would not mind me quoting him—was really quite stunned, once he read the papers, to find that, in fact, what we would regard as academic independence really does not exist. All that most of those research papers out of the Shanghai University research organisation did were to reflect

the thinking of government.

One of the problems that I would perceive with many university to university activities in this field would be that the concept of independence of academic thought in a lot of the countries we would be concerned about does not exist. Therefore, again, I am worried about the validity of what one might come up with.

**Dr O'Donnell**—My view is that in most countries people want to know what is useful and helpful. There is, in my view, a lot of criticism that can be made of our own universities in some areas in that the concept of what is useful and helpful to people has been lost in the transition to a culture where the concept of academic freedom has, if you like, been taken over by discipline specific professionalisation. You have got this plethora of different disciplines where publishing and perishing has created its own culture which is divorced from the needs of people.

I know that that is not true of many areas of the universities, but I think it is true of other areas of the universities. My evidence for that is to draw your attention to the Industry Commission's review of Worksafe, where the employers and the trade unions said that basically a lot of the research that was being done into occupational health and safety was for publication in esoteric journals and that neither the employers nor the trade unions thought that it was much use to industry, either to the workers or the employers. So the division of occupational health at Sydney University was closed down. Whether you are talking about Australia or whether you are talking about any other country, at the end of the day, if things are approached from the most basic end of what is helpful to people, that is probably the most helpful and useful way of beginning to approach anything.

**CHAIR**—I would disagree with you about your analysis of the activities of some parts of Australian universities at all. I suppose the point that I am contesting is the freedom of some universities overseas to in fact be independent and not just run the government agenda. I do not believe that governments in some of those countries have the desire for information in its pure terms at all. I think they would only want to use information in support of particular political objectives. That is really what I was getting at. Perhaps we will leave that particular point and move on. You have been in Vietnam; how did you find the status of human rights in Vietnam?

**Dr O'Donnell**—It is very difficult for me know very much about the status of human rights in Vietnam at the level that you are probably thinking of. I love Vietnam; my experience is that I have been in Vietnam three times now, and I have been welcomed with enormous warmth and have always had a sense of people basically trying to do what seems to be commonsense and good for people. I suppose that when I made my last answer to you I was thinking of Vietnam. I have enormous respect for the Vietnamese people and the way they appear to try to do what makes sense for the welfare of people in an incredibly kind of pragmatic way and with an enormous degree of spirit and honesty. So I am very partisan.

**CHAIR**—Notwithstanding that, is there freedom of the press in Vietnam? Can you criticise the government without fear of retribution?

**Dr O'Donnell**—I am not in a position to know those things, because I do not read Vietnamese. I know that I can pick up a newspaper in Ho Chi Minh City or Hanoi that is in English and it seems exactly like reading the *Financial Review*. It is the English one, and you read it and you say, 'They're restructuring this and they are redoing that.' It sounds exactly like they are going through the same processes we are going through.

**CHAIR**—But the *Financial Review* will publish an article that is critical of the Prime Minister. Does the equivalent do so in Hanoi?

**Dr O'Donnell**—Absolutely. I would not know anything about the state of freedom at that level and I have no doubt that it is very different from our own society. But I suppose what I am suggesting is that things do not always need to be approached on that level. If you approach things at the point of people's lives in the street, then that can possibly have a more useful, or just as useful, effect.

My view is that in fact the government is concerned and that that is in fact what the governments in those countries, in many cases, would welcome because of the problems that they have. They have problems of law and order and problems of control, when they have got so many millions of people who have so little and who have so little education.

**CHAIR**—In Vietnam, is there the right to demonstrate?

**Dr O'Donnell**—I do not know what there is in Vietnam. I have very little understanding of human rights at that level.

**Mr HOLLIS**—In your papers, you make much of Australia's reluctance to sign or ratify ILO conventions. Why do you think there is that reluctance here? Is it, as in some cases, that because we are a federation we have got to get the agreements of all the states before the federal government ratifies it, or what?

**Dr O'Donnell**—That is part of it, yes; each state has to do its report, and the states have to decide on whether the convention can be ratified. I am sure that slows things down. On the other hand, I am sympathetic to the idea that it seems a bit pointless ratifying conventions before you really are committed to their implementation. It seems to me that one of the problems is that the conventions themselves often do not seem to be very effectively implemented.

**Mr HOLLIS**—That is a bit of a 'chicken and egg' argument. I was very involved in a campaign to get Australia to ratify ILO convention 147, which is to do with shipping and the conditions on board ships. ILO 147 says that a ship that did not comply with the requirements could not enter Australian waters. The Labor government and the current

government both said that that was a nonsense: how could they say whether it was in compliance with 147 until it came into Australian waters? It was just one of those arguments that both governments constantly use.

Seeing that you put so much emphasis on ILO conventions, are you concerned at what appears to be the downgrading of the ILO by the current government? I base that on the argument that always in the past we sent quite a large delegation of trade union, government and business officials to the ILO. We have now drastically reduced that and, as I understand it, they have also taken away the office which dealt with the ILO in our embassy in Geneva.

**Dr O'Donnell**—No, I am not concerned about that. I do not support tripartism. I think that tripartism is a slow way of operating. The whole idea that people should represent constituencies of particular interest groups and argue on the basis of the interests of those interest groups is not one that I like to see perpetuated. My view is that government representatives are elected to represent the people, the public interest, and that they should do so in consultation with employer representatives and worker representatives. That is more efficient and correct. It is cheaper and, in my view, a more equitable and correct way of advancing the public interest.

**Mr HOLLIS**—It is certainly cheaper. I do not know if I would subscribe to the other points, though.

**Dr O'Donnell**—The view that people should speak the interests of the interest group that they represent—although I understand the necessity of it, obviously—is, to me, flawed. The professional ideology in the community of scholars in the universities is also a problem which stems from that view. I think it is important that the government represent the people. That is what democracy is. They should represent in consultation with all the various stakeholders.

**Mr HOLLIS**—I think where we would disagree is on how you define that consultation with the people. Being a great supporter of the ILO, what I have always seen to be the benefit of the ILO is the international standards that it has set. For instance in shipping, which I have a particular interest in, I would suggest that if it had been left to the governments of the various countries, of all political persuasions, there would not have been much progress made in conditions for workers in the industry, regardless of how representative the government was. It needed the unions and the others there to push that. It is the same with many of the conventions that the ILO have brought up in regard to Africa, especially in the apartheid area, but that is an argument that we may have for a long time, so I guess we should not pursue it here.

**CHAIR**—Do you have a question on it?

**Mr HOLLIS**—No, I was just making a comment.

**Dr O'Donnell**—I agree with you completely. I think that an aspect of democracy and an aspect of progress is that pressure that is brought by trade unions or non-government welfare organisations on elected representatives, but I think that the actual governance should be done as a result of the pressures on those who are elected, and also, assistance to implement that agenda.

**CHAIR**—Senator Reynolds.

**Senator REYNOLDS**—Yes. I would like to congratulate you on the depth with which you have approached the subject. It is long overdue that we look at how we normalise, if you like, human rights. You are right that as soon as you mention human rights in certain company people immediately get defensive as if it is somehow a radical fringe group about to undermine the status quo. What you are trying to do is to say, 'Look, all this is terribly fundamental to people's wellbeing,' and if you talk about people's wellbeing there is very little disagreement, except perhaps in terms of how you approach people's wellbeing.

What I am interested in is that you chose the ILO for very good reason, but you did not look at the human rights conventions particularly, for instance, economic, social and cultural rights. Was that because you wanted to give examples that were perhaps more specific than the generalised human rights conventions?

**Dr O'Donnell**—Yes. I chose the emphasis that I most understand and am familiar with and where I know the administrative and organisational channels that can deliver the process. I talked about what I understand and know about. Although I could very easily read more in the area of human rights, it would take me a long while to understand the various organisations and administrative processes through which they can be successfully pursued.

**Senator REYNOLDS**—But essentially what you are saying is that this country and a number of other countries are signatory to and/or have ratified specific conventions. There is this base and we have, in our policy development, to utilise what is already there. The tendency has been to set it aside and then go through a very often controversial, divisive debate about how we are going to implement our commitments. I think it is a very interesting concept and probably long overdue that we find ways of coming to terms with this.

Because it is a similar concept, I would just like to draw your attention to an article in the *New Statesman* of 9 January 1998, called 'Compassion carved in stone', which essentially is using a comparable argument but utilising the convention on economic, social and cultural rights because in Britain they are looking at developing a human rights bill which perhaps could be a recommendation for this committee. They are approaching it very much from a similar point of view to yours but using the human rights conventions rather than the ILO conventions. I might see if I can get copies of this. I think you would be

interested and so too would members of the committee.

**Dr O'Donnell**—I would love a copy. Thank you very much. I would like to read that.

**Senator REYNOLDS**—In the climate of universities over the last 10 years, how much support would there be within the university structure itself for this proposition which you are putting? You said you are speaking as an individual, but in terms of the current ethos—although it has been around for a long time—of ‘How much money will we make out of it’ do you think there would be much support?

**Dr O'Donnell**—I am an optimist. I believe that there would be a lot. The problem in the universities, in my view, is that the structures have rolled on for so long and there is as a result not enough effective leadership. I think people are doing the same thing that they have always done, often because they see no alternative. But I think that there is an enormous potential for commitment and there is an enormous potential for knowledge, help and commitment which cannot be effectively tapped because the leadership, administrative structures and managerial structures of universities do not allow it to be tapped effectively. But, basically, if you could get over that problem, there would be an enormous amount of support.

**CHAIR**—Thank you, Dr O'Donnell, for coming and talking to us today. Your evidence has certainly been different from, I think, just about every other submission we have had. In other words, it has tapped into totally new ground. It has been quite refreshing in that sense not to be going over the same old ground that we have with most of our other witnesses. If there are other things that we want to ask you about or know about, the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make corrections of grammar and fact. Thank you very much indeed for coming.

**Dr O'Donnell**—Thank you very much for having me.

**CHAIR**—It is a pleasure.

[11.48 a.m.]

**ROOKE, Mr Peter Leslie, Chief Executive, Transparency International Australia, PO Box A2327, Sydney South, New South Wales 1235**

**CHAIR**—Welcome. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as the proceedings of the House itself. I invite you to make an opening statement and then we will get down to questions.

**Mr Rooke**—Thank you. The subcommittee should have before it our submission dated July 1997. Some time has passed since then and there have been quite a lot of relevant developments in our field, so I would like to take the opportunity to say a few words.

In our submission we described the mission and strategy of Transparency International, and I will just highlight one or two salient points. You will find our mission statement as annex 1. It states:

Corruption is one of the greatest challenges of the contemporary world. It undermines good government, fundamentally distorts public policy, leads to the misallocation of resources, harms the private sector and private sector development and particularly hurts the poor.

TI is the only international movement exclusively devoted to curbing corruption. We believe that curbing corruption is only possible with the cooperation of a wide range of stakeholders. We seek to empower civil society to play a meaningful role by mobilising a global coalition comprising regional and national coalitions embracing the state, civil society, and the private sector.

In the four years since our launch in 1993 we have grown to be a global organisation with a presence in over 70 countries. We are consulted by international organisations, governments and business leaders and have already made a significant contribution to placing corruption firmly on the international agenda.

For example, amongst the numerous important developments since we wrote our submission last July, the following are particularly noteworthy: the publication in August 1997 of new IMF guidelines regarding governance issues, including promotion of public accountability and transparency; publication in September last year by the World Bank of a landmark document detailing its stance on corruption, as well as amendments to its procurement guidelines to facilitate the use of the TI ‘islands of integrity’ concept in government procurement; finalisation in November last year of the OECD convention to criminalise bribery of foreign officials, which is now open for ratification; announcement



by the Minister for Foreign Affairs in the same month that governance, including curbing corruption, would be a priority sector in Australia's development aid program; and announcement by the federal Minister for Justice on 2 December 1997 that legislation would be introduced by 1 April this year to criminalise bribery of foreign officials by Australian companies or individuals.

Similar developments have taken place in the private sector, the latest being the setting up of an anti-corruption task force by the International Federation of Accountants and, in Australia, the finalisation by BHP of its new code of conduct with a specific prohibition on bribery as well as detailed rules for facilitation payments.

We have been involved in virtually all these developments and numerous others at international and national levels. TI Australia is, as I mentioned, one of over 70 national chapters and among the most active. We have developed a strong coalition of over 20 organisation members, from BHP to the National Centre for Development Studies at ANU, as well as individuals. We raise awareness, promote research and dialogue, and work with many other organisations in Australia and overseas.

Our international focus is on Asia—ASEAN in particular—and the Pacific islands, but we have visited 13 countries in the region in the past year, from Pakistan to Korea. We co-convened Asian regional meetings in 1995 and last year, and supported the emergence of national chapters of TI in the Philippines, Pakistan, India, PNG and Malaysia, with others in Fiji, Korea, New Zealand and Thailand likely to be launched this year and with Indonesia also in our sights.

I want to stress that TI is a federation of autonomous national civil society coalitions. Each national chapter is free to set its own agenda, provided it does not seek to investigate or expose individual cases or get involved in party politics. Our role is to introduce TI and then wait to see whether there is sufficient interest locally to get a chapter established. If such interest does emerge, we do our best to respond to requests for help.

Usually, TI acts as a clearing house and catalyst for further action by others. For example, we have been able to identify partners for the National Centre for Development Studies in Indonesia, Malaysia and PNG, which should lead to its new course on corruption and anti-corruption being taught there during 1998 and also, I believe, in a couple of other countries in the region as well.

We are looking forward to working with the Centre for Democratic Institutions. The CDI's mandate suggests that there will be much common ground with TI. We have also arranged for the New South Wales ICAC to supply copies of its excellent educational material to countries as far apart as Russia, PNG and the Philippines. Support from AusAID has been vital in a number of overseas missions, but we have also had funding from many other sources, from UNDP and the World Bank to the Friedrich Ebert Foundation and local NGOs in Cambodia and Korea.

The focus of this subcommittee's inquiry is, of course, the effectiveness of Australia's regional dialogue on human rights. We address this issue, in the context of corruption, in section 7 of our written submission. Corruption has very grave adverse consequences for human rights. At a direct level, the economic cost of corruption denies people their right to development and undermines other economic and social rights. Where corruption is systemic it is likely that civil and political rights will be at risk too. Corrupt officials, police and judges are not likely to enforce or respect any human rights in an impartial or consistent manner.

By building strong civil society coalitions and networking between them, TI can contribute significantly to the human rights dialogue. For example, in Papua New Guinea the TI national chapter leads a formidable coalition of more than 12 organisations, including women's and youth groups, the Council of Churches, trade unions, business and professional organisations, academic institutions, and even public sector agencies.

In just one year the coalition has raised corruption to a key issue in the elections. Since then it has drafted legislation to set up an independent anti-corruption commission, which has been supported by the Prime Minister. At grassroots level it is raising awareness through local activities and extensive media coverage. Education programs are being delivered at secondary and tertiary levels. Only nine months after the launch of TI-PNG, its case study was chosen as a success story at the international anti-corruption conference in Peru attended by over 1,000 delegates from 93 countries.

I have read with great interest a number of the other submissions made to this inquiry and, in particular, that from the Department of Foreign Affairs. TI agrees with many of the points in that submission which have a bearing on corruption as a human rights issue and the way in which it should be handled within the regional human rights dialogue. We agree that, like human rights, the issue of corruption is a very sensitive one and that, to minimise the scope for friction, it should be addressed wherever possible through practical assistance and dialogue rather than public statements or conditionality.

We find much common ground with the section in paragraph 205 following the Department of Foreign Affairs submission on the subject of governments, human rights and aid. Two of the four areas identified as aid program targets in promoting human rights, namely, accountability of governments in the rule of law and participation of civil society in democracy and development are also key targets for TI in seeking to encourage effective national integrity systems.

The TI source book on national integrity systems is an important tool for civil society and governments alike in identifying problems and designing solutions in this area. The TI source book has been translated into about 10 languages and modified through regional meetings to meet the needs of people in different parts of the world. We have a project to regionalise it for the Pacific Islands because their needs, in many ways, are quite different from those of larger or more developed countries.

The points highlighted in the Department of Foreign Affairs submission were also highlighted by the Minister for Foreign Affairs in his address on 27 August last year, which appears as appendix 3 to that submission. He identified the need for accountability participation in institutional strengthening, including the rule of law. He stressed the need for transparency and due process in public institutions to counter corruption in order to ensure fair and equal treatment. He also drew attention to the central role of a vigorous civil society, including a free press.

We believe that Australia has an important and influential role to play in all these areas and that TI is well placed to make a useful contribution. I have said enough by way of introduction. I will be very happy to answer any questions.

**CHAIR**—Thank you very much. Are you in a position from your work in the region to comment on the state of human rights and corruption in a range of countries in the area?

**Mr Rooke**—We certainly have our sources of information. We do not like to try to categorise countries or apportion blame. One of the things that we have stressed very strongly in corruption is that it takes two to tango, as one of our colleagues in PNG put it. A lot of the responsibility for what we call grand corruption—with the large sums of money that end up in Swiss bank accounts—is that of the multicultural companies that actually pay the money. If they would refuse to pay then the problem would be much less. To say that this or that developing country has a corruption problem does not mean that all the blame lies there.

At a more basic level of petty corruption or facilitation payments that is usually much more of a domestic problem. It is often a very complex problem. At the top end of the scale, we need to look at the multinational companies as well, which is exactly what the OECD has been doing with its new convention and the legislation which is about to be introduced into parliament here. I believe the draft legislation will be ready by the end of the month. We are very much looking forward to that because it is part of a concerted international effort involving 34 industrialised countries. They account for 70 per cent of world trade and 90 per cent of world foreign direct investments, so they are quite influential.

**CHAIR**—While I do not disagree with what you have just said, it would seem to me that many of the companies that are dealing in PNG would also be dealing in Singapore. My perception would be that issues of corruption are significantly less in Singapore than they might be in PNG. Therefore, if Australia, in its work in the region, were looking at where it could best devote resources, it might say that PNG should be a higher priority than Singapore. In some ways it would be useful to have an idea as to where we ought to be directing our resources more than elsewhere.

**Mr Rooke**—Yes. In fact, TI does publish something called the corruption perception index which does list 52 countries—not PNG because there is insufficient data available—

including many other countries in the region, based upon the perception of the international business community of levels of corruption. You will not be surprised to know that Singapore rates higher than any other country in Asia and Indonesia is down near the bottom. We certainly are aware of that.

**CHAIR**—You mean Singapore rates highly as being non-corrupt.

**Mr Rooke**—Yes.

**CHAIR**—You said levels of corruption in Singapore rate highly. I just wanted to clarify that.

**Mr Rooke**—Yes. We start with Denmark, which is rated the cleanest country. Australia comes No. 8 out of 52 and Singapore is very near to Australia in the table. I am saying that we do not feel it helps anybody to apportion blame. We do need to raise awareness.

Certainly when it comes to dealing with the problem, TI encourages the formation of national coalitions wherever there are local people with the will to do so, even in countries with repressive regimes like Nigeria, where any sort of dissent—or anything that could be remotely categorised as dissent—is quite a dangerous thing. There is a TI national chapter in Nigeria and our TI international advisory council chairman, the former President of Nigeria, General Olusegun Obasanjo, is in prison and there are other reasons, no doubt, that the regime felt it better to have him in prison. One of them certainly was the fact that he was standing up very publicly and denouncing the level of corruption.

All these people need support. They need support through our own network. They also need support through the government's programs of development aid agencies, whether they are the World Bank or the Asian Development Bank, which is still developing its policy on corruption but hopefully will be adopting it at its next annual meeting in Geneva in May. AusAID, under the new policy announced last November has identified governance as a key area. Within that is helping countries curb corruption. I think the particular role that TI can play is that sometimes governments say the right things but do not do them.

**CHAIR**—That does surprise me!

**Mr Rooke**—Even where they do them, they need help. It is quite clear that it is impossible to curb corruption anywhere if the public is not supporting effective measures. At the higher level that means the business community because they are often the players. At a lower level, it means the grassroots. So the TI approach of mobilising coalitions both reminds governments that they should be addressing the issue and, when they are doing so, reinforces what they are doing.

**CHAIR**—What is the scope of your source book?

**Mr Rooke**—It is pretty comprehensive, although not very long. What it seeks to do is to analyse the structure of a national integrity system and then to address areas where it can be reinforced. It covers the democratic process, civil society, administrative reforms, administrative law, the ombudsman, the judicial system, the Auditor-General, public procurement, private corporate sector, information and public awareness, independent anti-corruption agencies and the international dimensions. So it is a very broad based document.

It is to start people thinking and being able to analyse their own situation. It is backed up by a very large volume of best practice documentation—a lot of it Australian—which is available on the Internet, as in other forms, and is being added to all the time. The whole idea is that, while each country has to finally come up with its own solutions to this problem, as with any other problem, there is a lot of knowledge around the world, which is not necessarily readily available, and we can help disseminate it.

**CHAIR**—Would it be possible for us to have a copy of that?

**Mr Rooke**—Yes, certainly. I have one here.

**CHAIR**—The index that you mentioned of the 56 countries—would it be possible to get a copy of that?

**Mr Rooke**—It would. I have not brought it with me but I can, yes.

**CHAIR**—If you could take that on notice, we would be most grateful. Before I pass the questioning on, I will accept the *TI source book on national integrity systems*, edited by Jeremy Pope, Transparency International Berlin, Germany, as an exhibit to the Human Rights Subcommittee inquiry into the regional dialogue on human rights.

**Mr HOLLIS**—I have a combined question and comment. We have recently seen massive corruption in Japan with the banks and the ministry of finance, and we have seen it in Indonesia and places like that. It is not hard to identify. We would say that we would have nothing to do with that but that is mainly because the businesses in Australia, I suspect, would not have the money.

I was recently in Darwin talking about the live cattle export to Indonesia and the question as to whether there is corruption came up, in a very roundabout way. The cattlemen all looked at us when we said, ‘Do you have to pay bribes to get your cattle into Indonesia?’ They reacted quite strongly to us. They said, ‘That is not corruption; we would not be involved with that. That is just a business practice.’ This guy who was handling it said, ‘Sure, I give a couple of hundred dollars to this guy because I know he will move the cattle off and I give another couple of hundred dollars to this other guy.’ They just looked at us and said, ‘But that is the way we do business.’

I do not know whether they were being very naive or whether we were being naive or they were just putting it out. But that was the impression we got, and this was all on a public record. They may have spoken differently had it not been on the public record but they seemed to see absolutely nothing wrong with what was happening. Per shipment, it may have only been a couple of thousand dollars.

The impression they gave us was that they did not perceive that as having anything do with corruption. Corruption was something that happened there with the bureaucracy on a much bigger scale; they were just facilitating business. I guess you run into this all the time and this must be the dilemma—or is it a dilemma, even—that you face?

**Mr Rooke**—I think we certainly see it as corruption. It is one end of a spectrum and the \$100 million that goes in the Swiss bank account is the other. We believe that tackling facilitation payments, which is what you are describing, is an extremely complex business. In some countries, sometimes right across the whole public sector and, in fact, society generally, and sometimes in a particular institution or area, that sort of corruption is systemic. Indeed, people say that they could not live unless they got these additional payments because public sector salary levels are so low. A friend of mine from Italy was describing how he visited Naples and found that the police there still buy their jobs. So, having bought their jobs, obviously they have to recoup the costs.

We recognise it as a huge problem. It is a problem that some developing countries have tackled effectively. One example is Uganda where they have removed all of the ghost workers from the public sector payroll, which reduced it by about half. They then weeded out people who were not actually performing a function that was beneficial to the state. That increased, over the space of about two or three years, with support from various aid agencies, public sector salary levels by, I believe, 250 per cent. This was coupled with a massive anticorruption drive. That is the sort of approach that you might have to adopt. It is one which obviously is, first, very expensive, and, second, very difficult.

I think the answer to your question is that we do see facilitation payments as corruption.

We see them as a particularly difficult problem. If corruption at the top level can be tackled so that the political leadership is sending out the right signals instead of the wrong signals, reforming the rest of the process—while it is something that may take many years—can at least be started with the potential of some public support.

It is interesting that both the US Foreign Practices Act, which currently is the only legislation which specifically criminalises foreign bribery, and the new BHP code of conduct identify facilitation payments as an area where payments are permissible provided that they are small and, in the case of BHP, if certain quite complex procedures are gone through. Nobody can just pull \$100 out of their pocket and hand it over. They have to get permission from the senior manager and they have to demonstrate that there really is not an alternative. That sort of approach. I think we recognise that facilitation payments are a fact of life in many countries and will be for many years to come.

**CHAIR**—I was on a delegation to Pakistan not all that many months ago and I think every major company that we spoke to there took the view that they had to have a local agent to do business there. They knew that part of the fees that they had to pay to the local agent were going to go to greasing palms to get appropriate permissions and permits through the bureaucracy. It was quite clearly acknowledged but it was kept at an arm's distance by using a local agent rather than getting their own hands dirty. It seemed to me that that was an accepted way of doing business in Pakistan.

**Mr Rooke**—Yes, that is something which I suppose one sees in quite a number of countries, and it is very convenient for the foreign business man to say, 'Well, of course, we have not bribed anybody.' Whether it is the local agent or local joint venture partner, there are a number of mechanisms that can be used. It is only the smallest and least sophisticated business man who pays a bribe, of course.

**CHAIR**—That is right.

**Mr Rooke**—Or admits to doing so. If the sorts of payments you are talking about are at a facilitation level, then under the proposed new legislation and certainly if it follows the OECD model—which I understand it is intended to do—that will still not be a criminal offence. But if what one is doing is giving one's local agent a success fee of 20 per cent of \$100 million in order to have that passed on to win a contract, then that clearly will be criminalised by the new legislation, not just here but in 33 other countries. So trying to window dress the transaction will not actually work.

**CHAIR**—Certainly one businessman I spoke to who wanted to break into a particular market was told quite clearly that you had to pay the appropriate minister \$1 million. He decided he did not like it and he walked away from it, but it was very open and there was that sort of scale of activity.

**Senator SYNON**—I think it just follows on, Mr Rooke, from what we were discussing. How would you assess the rate of change of attitude in some of the countries in the region that have traditionally permitted bribery or facilitation payments?

**Mr Rooke**—It is very difficult, and each country has its own history on this. Sometimes an administration can come in—as happened in Singapore after independence—with not only the rhetoric but also the will to clean up corruption. There is no doubt that there was quite a bit of corruption in Singapore under the British. That situation, where change took place quite rapidly, is well documented. But even there, every now and again there are quite significant corruption cases that come up. One a couple of years ago involved an intermediary based in Melbourne and a few million dollars, and there was another one more recently.

The situation in other countries is not so clear-cut. One of the problems that anybody faces—Transparency International as much as anybody else—is to really distinguish the

rhetoric from the reality. It is very convenient, particularly during an election campaign, to say, 'The lot that are in power are all corrupt and when we get in we will clean it up,' and then maybe that promise gets forgotten or their institutions are set up and not given adequate resources or there are certain people that are untouchable because the Attorney-General, who is part of the ruling party, has to sign off before anybody above a certain level can be prosecuted—all sorts of difficulties.

You have to look at each country and see what the record has been, but Singapore is an example where things have been relatively corruption free for many years. Uganda is a case where, after Amin and other things—civil war—the situation was as dire as anywhere and where huge progress has been made. It has not got to the situation that Singapore has reached, but it has made enormous improvements. One could go country by country and ask, 'Where are they going? Are they going backwards or forwards or sideways?'

**Senator SYNON**—What is your reading of the region, though? Is it basically going backwards or forwards?

**Mr Rooke**—I think our region, as for the phenomenon of corruption around the world, is getting worse. It is not surprising that if somebody finds that he or she can get 15 per cent, say, of a contract, the next time around they might ask for 16 or 20 per cent. In many fields of economic activity in many countries the going rate has gone from five per cent or less 20 or 30 years ago to as much as 20 to 30 per cent and, in some cases, even higher. It is very unlikely without a push politically or in other ways to see that trend being reversed. Something has to happen to actually cause it to be reversed. It could be massive economic downturn—people are no longer interested in buying contracts because they cannot make a profit out of them. But it does require significant effort.

TI approached this issue more from the situation of its economic impact and the distortion that it causes to international trade and investment than from the human rights angle. We could see that it certainly has a human rights angle. In fact, for the first time this year, at our annual meeting which we are holding in Malaysia, human rights and corruption will be on the agenda.

**Senator REYNOLDS**—Mr Rooke, I apologise for missing much of your presentation, but I have read your submission and I have listened with interest to the questions and your comments. There is always a focus on practices outside Australia, but I am wondering if you could comment on the extent to which some Australian businesses are very relaxed about taking advantage of the specific climate in different countries—without mentioning any names, of course.

**Mr Rooke**—We are given a lot of information in confidence—and some of it given in the evening after a drink or two is more relaxed than the other. Certainly we do believe that, as in most other industrialised countries, there are companies that make huge efforts not to pay bribes and that really have an extremely good track record in that respect. There are



others that really do not think twice about it; they just consider what the bottom line is and whether there is room for the payment.

The overall experience from all our discussions with many companies in different economic sectors is that Australian companies do not seem terribly good at this international bribery business, so that there are more cases where Australia has lost out to bribery from overseas than have won contracts through this process. Certainly we know of major contracts where we were told what the percentage was. So, yes, some Australian companies are in there.

This is the problem, of course: business is all about competition. If the only way you can get the business is by bribing, there is a huge temptation to do it, particularly when—as is the case at the moment—bribing a foreign official, as opposed to a domestic official, is not a crime and, indeed, is also a tax deductible business expense. This has not really encouraged companies, apart from the fact that there is a risk at the other end if they are rash enough to make the payment direct—

**Senator REYNOLDS**—Do you mean to say that Australian taxpayers are funding bribery as an acceptable tax deduction?

**Mr Rooke**—That is the law. The ATO—we have had a dialogue with them—have only been able to identify one or two cases where a bribe has been specifically claimed as a tax deduction. But it is certainly quite clear that the law is that a foreign bribe is a tax deductible expense, as it is in the majority of OECD countries.

**Senator REYNOLDS**—You would assume that, even if the tax office were to attempt to do something about it, such businesses would simply rearrange their accounting procedures to incorporate the bribe in another way.

**Mr Rooke**—Yes, this is why the OECD, in its recommendations, has proposed a whole series of measures. So, at one end of the scale one has criminalisation—the thought that one might actually end up in prison—but also there are many disclosure and reporting requirements, and encouragement is given for companies to develop effective codes of conduct and compliance mechanisms. There are many other things as well. So there is an element of the stick and an element of the carrot involved. However, a lot of it is about changing attitudes.

**Senator REYNOLDS**—Is there a need for a code of conduct among Australian businessmen doing business in the region?

**Mr Rooke**—It has been proposed in some quarters that there should be some sort of mandatory code that all companies would have to subscribe to. We do not think that that is the answer. What we think is important is that a code, if it is going to be implemented and supported within an organisation, has to be developed within that organisation. The

BHP example is a very good one, firstly, because BHP is a leader and, secondly, because BHP took two years to develop its code. It consulted very widely within the organisation all over the world and it generated quite a lively debate, because it is a very difficult problem. That process has to be gone through; otherwise companies will sign off on something but they will not, even if they wished to do so, be able to enforce it.

**Senator REYNOLDS**—Do you see any parallels whatsoever with the child sex tourism legislation which actually identified certain practices by Australians in the region and took the legislative measures necessary to make it a criminal offence overseas?

From what you are saying the dimensions of the problem are not the same in terms of corruption, but do you see any parallels with that if it were to become of that scale? The only reason that Australia took action was that it was affecting Australia's reputation, and business itself was concerned. Do you see any problems if, for example, and I am hypothesising, there were to be an upturn in the numbers of people doing the wrong thing in the current Asian economic climate? If that did occur, would you see there could be a case for a comparable legislative measure?

**Mr Rooke**—Very briefly in my introduction, which I think the senator was absent from, I did allude to the fact that legislation is going to be introduced here to criminalise bribery of foreign public officials by Australian companies and individuals. Whether it takes the form of the child sex tourism legislation, which has extraterritorial effect, or whether it is handled in another way, is to some extent a question of detail. But the principle that an act which has an international dimension is going to be criminalised here has been established; that is the policy. I would like to see a limited extraterritoriality in order to make it clear to companies that they are responsible for the activities of their foreign subsidiaries and that it is not just what happens back here which is relevant.

In other respects, of course, they accept that responsibility. However, in a legal sense we are sometimes a little bit reluctant to see legislation biting overseas. It is easy to see that there are difficulties with enforcement once you cross international borders. That applies to any sort of law. We very much hope that large numbers of Australians, or any other businessmen, do not end up in prison. What we feel is important is that within the armoury of tackling corruption there is this criminal offence as one part of it. There are a lot of people who, when they are advised by their corporate legal department or their external lawyers that if they do that then that will be a crime, will not do it. If that was reinforced by codes of conducts and other mechanisms then that will help change people's attitudes.

**Senator REYNOLDS**—Let me just get it clear, and I am sorry I missed that introduction. You do not really support legislation or codes of conduct. Is that correct?

**Mr Rooke**—No, we do, but what we do not support is a code of conduct which is imposed, a mandatory code which applies to all Australian businesses operating overseas.

We support codes of conduct which are developed by organisations for themselves, and maybe with some guidance about the sort of things that should be in them.

**Senator REYNOLDS**—What about legislation?

**Mr Rooke**—We certainly support criminalisation. We support the ending of tax deductibility, which also the government has announced will be happening. The idea is to bring the two pieces of legislation forward at the same time. We also support all of these other measures because we think that legislation does not change attitudes; other things are needed.

**Senator REYNOLDS**—Thank you very much.

**CHAIR**—Just before we finish, there was a comment made earlier about the need for legislation and the need to put our house in order. In terms of the inquiry that we are conducting about human rights in the region and the links between the corruption problem and its impact on human rights in the region, whilst we need to put our house in order, in fact there are still lots of other countries and companies from other countries that will continue to indulge in that corruption. So we also need to look at mechanisms on a much more international basis to adequately address the problem.

Mr Rooke, I would like to thank you very much for coming here today. It has been a very interesting area and one that we have not heard a lot about before and which I found very worthwhile, and I am sure my colleagues did. If there are any other questions we think of after you have gone—and that often happens—the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make corrections of grammar and fact.

**Mr Rooke**—Thank you, Chair.

**Proceedings suspended from 12.34 p.m. to 2.05 p.m.**

**DUMMETT, Mr Kel John, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000**

**NOONAN, Dr Alison Anne, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000**

**NOONAN, Miss Michela Agosta, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000**

**WING, Mr John Robert, Member, Australia West Papua Association, PO Box 65, Millers Point, New South Wales 2000**

**CHAIR**—I welcome the representatives from the Australian West Papua Association. Thank you for coming along this afternoon. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request.

Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. We have just been given a copy of the document entitled 'West Papua Information Kit revised 1988 with focus on Freeport'.

Resolved (on motion by **Mr Hollis**, seconded by **Senator Synon**):

That the document be received as evidence to the inquiry into the regional dialogue on human rights and be authorised for publication.

**Mr Dummett**—We also have a supplementary submission.

Resolved (on motion by **Senator Synon**, seconded by **Mr Hollis**):

That the supplementary submission from the Australia West Papua Association be received as evidence to the inquiry into the regional dialogue on human rights and be authorised for publication.

**CHAIR**—I invite you to make an opening statement and then we will proceed to questions.

**Dr Noonan**—As I said, I am only an ordinary member of the association. We were hoping to have some West Papuans—some of whom are actually Australian political refugees—here today, but because one of them has just got a job and others are studying and are out of the state that was impossible. Also Joe Collins, who compiled that initial reference, could not come either.

I suppose most people would know West Papua under the name of Irian Jaya and

would be aware of its history, that it became an Indonesian province under fairly controversial circumstances but under the auspices of the UN in 1968. Since then there has been continuing unrest. It is in a somewhat different position from East Timor because East Timor is more visible and, as you know, not accepted as being part of Indonesia by the United Nations.

Because we are only a small group, we have not been able to get involved in all the aspects of what is happening there. The tribal land of one of the West Papuans who was living there is actually Freeport, which is the biggest tax earner for Indonesia—a very big gold mine which pays money to Indonesia and which is run by Freeport, our own RTZ and McMoran. We have been quite interested in that and in the kinds of reported human rights abuses there, which I think have been documented by the bishops and ACFOA. That is a bit of the background.

There are other problems, of transmigration and of very poor health and education—even compared with the rest of Indonesia—for the local people. And, at present, there is the particular problem of the drought. Although their cousins in the PNG part—the border, of course, is artificial, so there is a certain amount of toing-and-froing—are getting some relief from PNG and the Australian government, the West Papuans are really having a frightful time because of the difficult situation with Indonesia.

Those are my general comments. There is the supplementary submission, and Kel and John are quite well prepared on that. Michela has recently done her honours thesis on human rights, using West Papuan people that have been out here doing the diplomacy course. I think some of the diplomacy people from the University of New South Wales were here observing you over the last couple of days, and she might be able to fill you in on that too. Thank you.

**CHAIR**—Who is going next—John or Kel?

**Mr Wing**—I will just mention a few things—

**CHAIR**—As we have just been given this supplementary submission and obviously have not read it, it would be useful if you could talk to that at some stage as well.

**Mr Wing**—Yes I might go through that in a moment. Firstly, I want to make sure that everybody is aware of where we are speaking about and its proximity to Australia. On the inside cover of the publication you will see a map showing the western half of the island of New Guinea, called Irian Jaya by Indonesia since the early 1970s but previously referred to as either West Irian, Irian Barat or West Papua. Many people who have grown up in the country refer to their country as West Papua.

It is very close to Australia, perhaps our nearest neighbour, yet the standard of living for the people in the province is the lowest in the whole of Indonesia. Indonesia has

the lowest standard of living of the ASEAN countries, and West Papua, or Irian Jaya, has the lowest standard of all the 27 Indonesian provinces. It is well masked because it is very difficult for the outside world to get a full view of what life is like in Irian Jaya.

At the moment there is the worst drought in living memory in Irian Jaya, and I think you would be lucky if you found any media coverage in the international media. Since September last year, officially at least 700 people have died from famine or from drought related diseases. Malaria has taken hold in large areas of the province. We think this is something that should be of great concern, particularly, of course, to Indonesia. It is a province, like a state of Australia, such as Tasmania. Could you imagine Tasmania suddenly being struck by drought and yet the people not receiving any assistance, or a large outbreak of disease not being attended to?

I will go through some of the points we have raised in the amendment. One of the central issues for the people of Irian Jaya is the lack of recognition of their customary land ownership. This is a fundamental basis for complaint for the people. Their land is regarded as state property and therefore state enterprises or sponsored enterprises are freely allowed to exploit the land for mining, forestry or other purposes, such as palm oil plantations or transmigration settlements. Over recent years at least 700,000 people from other parts of Indonesia have come into Irian Jaya as transmigrants, and large areas of the province have been appropriated for that purpose. That is one aspect that we have raised here.

With regard to the drought at the moment, as there are some areas which are not getting any assistance because they are suspected by the government of being regions sympathetic to the resistance movement, we believe that the Australia government could pressure the Indonesian government to allow access for humanitarian relief to those areas. We believe a fact finding mission should be allowed into that area to see what the true situation is. We believe that the international media should be allowed access to the province as a matter of urgency to allow an accurate view of the true nature of the drought and its effect on people.

This is a very critical time in the history of Irian Jaya, not only because of the influx of transmigrants coming in and tipping the balance in terms of the numbers of people in the province, but also in terms of health and education. The indigenous people are at the lowest level in the society, with the transmigrants moving straight into positions in the civil service and business. We think these matters are of urgent concern and should be addressed.

**Mr Dummett**—I will just follow up on a couple of the points that John raised and that are also raised in the supplementary submission. I point that we have actually made some specific recommendations that we believe the Department of Foreign Affairs and Trade and the Australian government should be following up with Indonesia. Each of those recommendations that we are making, along with the recommendations in the original submission that we have put in, are in bold.

With regard to the famine, as John mentioned it is a particularly desperate situation in Irian Jaya. I think Australia is implicated in the problems associated with the relief organisation there. I was very pleased to hear that the Australia government donated another \$2 million to the famine relief program, which raises the donations to \$3.3 million. That is very good and we have no concerns about that at all; we are very happy with that.

The one aspect we are concerned about is that the Australia government has sat on its hands for about the last five months while this famine has been getting worse and worse, with all sorts of reports coming out—even from our own defence personnel, World Vision representatives and AusAID representatives—of the state of the famine in Irian Jaya and suggestions that it was much worse than in PNG. The Australia government has sat on its hands and has not put political pressure, or sufficient political pressure, on the Indonesian government to actively become involved with an adequate famine program in Irian Jaya.

In fact, in communications I have had with the consul general in Sydney and with the ambassador and the ambassador for information for Indonesia in Canberra, it was virtually impossible to find out information from them as to what their famine relief involved. I was told it was rice and blankets. When I asked how they were getting it to the isolated areas, whether they were really getting it to the isolated areas and how they were getting it there, they could not give me any information at all—even though this was their so-called ambassador for information, based in Canberra.

So we believe one of the key things is that the Australia government has to be more proactive in pressuring the Indonesian government to respond more effectively to the situation there. One thing that the Australian government could do would be to offer the use of defence personnel—and, more importantly, defence helicopters and light aircraft, if that is required at this stage. At the end of last year there was certainly a desperate need for small aircraft and helicopters to get food and water to the worst affected areas.

Australia is further implicated in the human rights violations there. I am sure you have all heard this in relation to East Timor, but it is the same situation in relation to Irian Jaya or West Papua. The Australian government actually trains Indonesian defence personnel, or ABRI, in Indonesia and on Australian shores and we involve Indonesian forces—the same forces that are involved in human rights violations in West Papua and East Timor—in exercises in Australia. So this is another way in which Australia is complicit in human rights violations in West Papua.

In relation to the issue of recognition of customary or traditional land ownership for West Papuan people, as John mentioned, it is a key issue, we believe, in the indigenous people of West Papua receiving what they should be receiving from this government—which claims to be their government and claims to be the government of the whole of Indonesia, whereas it ignores West Papua, virtually ignores the province of Irian Jaya,

apart from making it the most militarised province in the whole of Indonesia and one of the most militarised areas in the region. Apart from that, as John said, it fails in terms of providing adequate health care and education and, more importantly, adequate protection to the indigenous people for the protection of their environment and for protection from exploitation by the mining and logging corporations in West Papua at the moment.

As Anne mentioned, we have members of our group who are indigenous West Papuans. We have one key member of our group who is in Australia studying, who is a member of the indigenous tribal group of the Amungme people, whose land was taken from them by the Freeport mine, which is the second largest goldmine and the largest copper mine in the world, jointly 40 per cent operated by Rio Tinto, which is the largest mining company in the world. Those two companies are now operating this mine on the indigenous Amungme people's land. The effect of the fact that the Indonesian government—

**CHAIR**—You said the mine is jointly owned by Rio Tinto and who else?

**Mr Dummett**—Freeport McMoran is the US based company, and Rio Tinto has a 40 per cent share in the operation of the Freeport mine, so it is jointly operated by both companies. The effect of the failure to make any recognition of traditional land ownership in the whole of the Indonesia archipelago means that companies are told by the Indonesian government that they are not to consult with, nor provide any royalties or compensation to, the local people on whose land the mining is occurring. When Freeport set up its mine in the Amungme lands in West Papua, right up in one of the most sensitive environmental regions in West Papua, next to the only equatorial glaciers in the world, Freeport only had to negotiate and consult with the Indonesian government. The result has been that the Amungme people were rounded up, forced off their land, received no compensation and no royalties, and were not consulted in any way. That is a major human rights violation which was well documented. The physical abuse of Amungme people was well documented in a 1995 ACFOA report that is referred to in our original submission.

As far as media access is concerned, as John mentioned, it is extremely important that the province of Irian Jaya become open to media scrutiny—in effect, to world scrutiny. Until the world's media are allowed to get in to that province, the rest of the world does not know what is going on in Irian Jaya. In particular, it is extremely vital at this stage, with the famine. World Vision has an international appeal for famine funds for their program in Irian Jaya but, without the sort of images on television of starving people that we see when there are famines in Sudan or Ethiopia. An appeal is not going to be very successful if the media are unable to provide those images by getting in there to film. I know the ABC would be very interested to do a report in there, but they are unable to go in there and film. Without those images available to the world media for the people to see, any appeals for the famine relief program are not going to be very successful. So it is vital that that area be opened up to world scrutiny.



That is all I want to say, apart from repeating that we have actually made recommendations on things that we believe the Australian government needs to do urgently in relation to Irian Jaya.

**CHAIR**—Thank you. Michela, did you wish to say anything?

**Miss Noonan**—I do not think so at this point in time. I think the last three speakers said everything to show what a really pressing situation it is at the moment there. I would be happy to answer some questions.

**CHAIR**—Important though these matters are in terms of making your submission to this committee, the reality is that parliamentary inquiries, in taking all the information and moving around the country, digesting it, writing the report, tabling it and having the government respond to it, usually take a long period of time.

I was in the PNG highlands last October and I saw some of what was going on there in terms of the drought and so on. Clearly, those issues actually have an immediacy which this committee cannot respond to directly. Have you actually talked to the federal government, to DFAT or to anyone like that about any of these issues? If so, what has been their response?

**Mr Dummett**—I was in communication with the head of the Indonesia desk in DFAT, and also the woman who heads up the AusAID section of DFAT. I had quite a few communications with them before Christmas, mostly trying to urge diplomatic pressure to be applied on the Indonesian government to declare the area a disaster area. It was our understanding at that stage that the United Nations emergency relief section does not get involved until the area is declared a disaster area, but we have heard in the last couple of weeks that there is now United Nations involvement in the famine relief program. I am not sure when they came on board. I was in regular communication with both those people over the three months before Christmas in relation to that.

My wife was also in communication with them in relation to a Tom Beanel, an activist and an Amungme traditional owner, who had actually taken a court case against Freeport mine about human rights abuses and environmental damage caused to their traditional lands. Unfortunately, he was unsuccessful. There was a report that we received through the Internet that he had actually been summoned to a court proceeding as a witness. We were very concerned that he may be taken into police custody.

We followed that up and DFAT said they would check it out. They did check it out and said he had only been called in as a witness but had been released. So, yes, we communicate with DFAT. I am sure other members of our group communicate with DFAT regularly to put our points of view and to suggest diplomatic actions.

**CHAIR**—In urging the government to apply pressure to the Indonesian govern-

ment to make it a disaster area and to allow access and so on, what has been the response from DFAT to you? Have they done those things? What response have they had?

**Mr Dummett**—The response from the woman who heads up AusAID was that they were applying diplomatic pressure through AusAID. I said my feeling was that that was not good enough and that it needs to come directly from the minister's office. She said that our AusAID representatives in Jakarta are diplomats and they are communicating directly, in their role as diplomats, with the Indonesian government. In relation to whether our approaches to DFAT have resulted in any changes, who knows? We heard from a friend of mine who has a friend high up in AusAID who said that he believed that the Indonesian government had declared in about the second week of January that it was a disaster zone.

When I heard that I rang the Indonesian embassy but they were not able to confirm that with me. I asked them if they could find out for me and they said that they would ring me back, but they have not done so. As I said, it is very difficult to get any information from the Indonesian embassy. I wonder at times what they are there for. They are obviously not there to give information out. Are they there just to collect information? Probably they are collecting information about organisations like AWWPA, I suppose, that they may see as a threat.

To answer your question, yes, we have had reasonable responses from DFAT. As to whether our approaches have had any effect on the Indonesian government, we have no way of knowing.

**CHAIR**—Can you tell us a bit more about your organisation? Do you have any contacts with the Tasmanian West Papuan Association, for example? Do they come under your umbrella?

**Dr Noonan**—No, we are the Sydney branch. Originally there was quite a strong branch in Melbourne. We are all affiliated, friends, but we are a separate group. We got going in 1992 and the founding member was John Ondawame, who is out here studying at present. He actually has Swedish nationality because he was taken up as a political refugee by Sweden. Some other West Papuans were taken in as refugees by Australia. Some concerned people who have been involved in other aspects of peace and social justice issues have got involved. We are in contact with the Tasmanian group and the Canberra group and the Melbourne group.

**CHAIR**—Are you in touch with the Free Papua Movement, the OPM?

**Dr Noonan**—Certainly, some of the people here know some of them. I suppose that is the reason why they became political refugees—because they were, if not directly involved, sympathetic to that movement. Certainly our brief is not that. We are involved in social justice issues, education, health, and with some of the church groups. I am sorry

Senator Reynolds is not here. I am a member of Women's International League for Peace and Freedom and she is a member of that organisation.

**Mr Dummett**—Can I add something about the OPM situation? While some of the members of the West Papuan community in Australia may have been former OPM members, or may have had links in the past, it is very difficult for those people to speak about the issues in West Papua. They are hesitant and that is why we usually do the speaking. West Papuan people are not happy to stand up and speak at meetings in Australia because they are very concerned about retaliation against their relatives who are still in West Papua. Whilst they may have had links in the past, they are certainly not speaking up for the OPM or anything like that now because of the fear of retaliation against their families.

**Dr Noonan**—Certainly, Australian security has interviewed some of the people so I think they have got tabs on that.

**CHAIR**—As I understand it there would be a number of West Papuans in PNG who would have gone there as refugees. Do you have any feel for the numbers or the nature of that particular situation?

**Dr Noonan**—There are about 10,000 and I think about 800 have come over recently. That is something we should have mentioned before. That is very critical at present because some of the camps are not going to be funded anymore.

**CHAIR**—Are they mainly in that East Awin camp?

**Dr Noonan**—Yes.

**CHAIR**—With the closure of the UNHCR office in PNG, what is the funding arrangement? Who is responsible? How are they being looked after?

**Dr Noonan**—I think they are offering PNG nationality status to people who have been there for some time. They will have to go back if they do not choose it. But the ones that are coming out now are not in that position. As you probably know, people were recently sent back from the Torres Strait. That has brought up some questions about Australia's policy with refugees.

One of our members is also a lawyer for the human rights organisation. She expressed her concern that Australia has been very much of the idea that first port of call is where they have to go back to, whether or not these people were even aware or had gone into PNG on their way out to Torres Strait. Australia does have concerns about getting involved with West Papua because of its relationship with Indonesia.

**CHAIR**—I know about the existence of the East Awin camp. Whereabouts is it

physically? It does not appear to be on the map in your brochure.

**Mr Dummett**—From my understanding, it is very close to the PNG border, in around the central region.

**CHAIR**—Would it be affected by the drought in PNG?

**Mr Dummett**—It is severely affected. I heard a report on ABC radio from defence personnel who were delivering aid to East Awin camp early on in the relief program because it was classified as a category 5, which I think is the worst level. Then pressure was put on them to stop delivering to East Awin.

**CHAIR**—By whom?

**Mr Dummett**—That was stated, we assume, by the PNG government. They preferred—

**CHAIR**—To look after their own.

**Mr Dummett**—I do not know where the pressure came from, whether it was indirect or merely the PNG government deciding, ‘We prefer the aid to go to PNG nationals first and to refugees in our territory second.’ It was actually pointed out by defence personnel how serious it was in East Awin.

I do understand that food and relief have been getting to the camp, however. You asked, ‘What are the problems with UNHCR moving out of Port Moresby?’ East Awin is now administered basically by UNHCR from Canberra. That means that there is no longer a UN post in PNG to keep an eye on what is happening in relation to refugees in PNG, which leaves them more open to be rounded up by the PNG government and taken back over the border to be forcibly returned to West Papua and Irian Jaya. This is a situation where they could be subject to not receiving sufficient aid in the famine relief program.

**CHAIR**—Was the UNHCR, when it had the Moresby office, active in terms of being up there and seeing what was going on? Did it just provide an office and funds from comfortable Moresby?

**Mr Dummett**—I think we have seen some reports from UNHCR about the conditions of the refugees in East Awin. You have, haven’t you, John? I am sure I have read reports. They must have at least done one inspection there and possibly more than that.

**Dr Noonan**—Yes, I think they were winding back. They had already been pulling back a bit for some time.

**Mr Dummett**—Obviously, there was more supervision than there is now.

**CHAIR**—Behind my question is whether the fact that they were in Moresby was other than having a presence providing funds and whether they were in a human rights context doing anything on the ground.

**Mr Dummett**—In answer to that, I would say it was probably better that they were there in close proximity rather than being administered by UNHCR in Canberra. I have heard that there is not terribly much interest in Canberra as to the fate of East Awin refugees.

**Mr HOLLIS**—I am not quite sure whether it was John or Kel who said—and correct me if I am wrong—that Australian troops had trained people in West Irian. Did one of you say that?

**Mr Dummett**—No. I said that they have trained personnel in Indonesia—and not, as far as I know, in Irian Jaya. I have no knowledge. I do not know whether it has happened. In fact, we have no knowledge of it.

**Mr HOLLIS**—That is what I was going to ask you. As I say, I must have misunderstood what you were saying. When you speak about delivering aid for defence helicopters and defence personnel, I am very suspicious of that, having lived through the Bougainville dispute so many times. Every time they have seen an army helicopter or anyone there, they have assumed and always said that Australian troops were there training them.

I do not have any questions. I am one of the few people who went to West Irian some years ago. It is not a place high on my list of places that I wish to revisit, I must say. You have highlighted too that there is absolutely no doubt that it is a very neglected area. Perhaps that is a part of the colonial hangover from the days of the Dutch.

**Senator SYNON**—You have requested that the committee consider recommending a fact finding mission to the province. Are you aware of any that have happened recently, through this country, the Netherlands or any other countries?

**Mr Wing**—We believe that AusAID has sent a representative over to the province, but we are not sure about the extent to which they have moved around. As for other countries, there are none that I am aware of.

**Mr HOLLIS**—The Indonesian government would not let in a fact finding group of Australian parliamentarians. When we were there, we did go to one military camp and to others but, even when we were in Timor, we could not go to the other part of the occupied part of Timor. They are just so sensitive. From a diplomatic point of view, I do not know that Australia could force that. I know there have been discussions at several

times that a fact finding mission go to Timor. The Catholic bishops went there recently, didn't they?

**Mr Wing**—Yes, they did.

**Mr HOLLIS**—But with the Indonesian government, especially for parliamentarians or anything to do with parliamentarians concerned with human rights, you would not get past the embassy.

**Dr Noonan**—Do you think that with the present situation in Indonesia and the fact that Australia has given loans, there is some possibility of—

**Mr HOLLIS**—It is only my view and who am I to say. I have had dealings with the Indonesians over Timor and know the sensitivity of it. We went through Indonesia. We were given all sorts of promises where we could go. When we arrived there, especially when we were in Irian Jaya, we were given all sorts of promises. They evaporated and we could not go.

There may be a group of the churches that may be more appropriate. I think they have more standing in these things than politicians do.

**Dr Noonan**—Someone from HREOC told me they were making links with some of the human rights activists in Indonesia.

**CHAIR**—You are here to answer our questions but just to respond to that, it seems to me that in the last few years, while Indonesia has apparently been doing well economically, given the colonial past—and I think Australians are perceived as part of that colonial past because we are a nation perceived as being European—there is no question that there has been ultra-sensitivity about us inquiring or wanting to go and look. It is seen as interference and so forth.

Even given the current economic problems and the fact that we are being part of a group of nations that are going to provide some assistance there, I think to try and directly link that would be rejected as unacceptable. What I would hope might happen is that, if we can demonstrate that we are good friends of Indonesia in terms of assistance, it means we will in the longer term develop a better relationship, so that we can talk about those issues. They may then be more receptive to some of the things we want to talk about or go and have a look at.

There is no doubt that there is a pride there, if not an arrogance. To do things under pressure or on demand just generates a negative response at official levels, whereas if you are good friends maybe you have a chance of getting somewhere. I think that is the difficulty. Also if you have an official delegation go and they publish some response or report or whatever, and it is critical, of course that is insulting and all the rest of it. But you can have an unofficial group go and find out the information—NGOs or whatever—

and whilst the official government may publicly say, 'We do not accept what they are saying,' to save face and so on, nevertheless you actually might establish a situation and then quietly be able to do a behind the scenes deal to try to do something about the situation.

**Mr Dummett**—That is what has been suggested by this government and by previous Labor governments for about 15 years. Indonesia does not have a better friend on the planet, yet human rights violations have continued. Atrocities are continuing right up to this very day, so that policy must be a failure.

**CHAIR**—But up until now they actually have not needed to come to us for assistance.

**Mr Dummett**—Yes.

**CHAIR**—That is why I say that the situation may be different now.

**Mr Dummett**—Okay.

**CHAIR**—I was in Thailand last September with a delegation—and I have been to Thailand before. It was just after Australia had agreed to be part of the bailout operation with Thailand and to do a currency swap—baht and so on. The deputy foreign minister said to me that the single best thing that Australia had done for its relationships with Asia and for its influence in Asia in the last decade was to be part of this bailout, because it was a case of a friend in need. That increased our standing no end. He said that all the rhetoric about Australia wanting to be friendly with Asia and wanting to trade and so on was fine, but that this had actually been a public demonstration.

On that visit they were far more free with the information they gave us about problems they were having on their borders and with human rights issues, and we talked about Cambodia—which they were involved in as part of ASEAN—and so on. They were much more frank and free with information than they had ever been before. So from their point of view, from their side, it seems to me that there is actually a different imperative perhaps in operation. I am not suggesting it is all going to suddenly be hunky-dory; I am saying that I hope it might make a difference.

**Dr Noonan**—I realise we are probably running out of time. Could I just bring up the matter of refugees because, in a way, that is where Australia could do something. We were wondering about a few things such as that special category for refugees of women at risk. We do not fulfil our quota on that, and we were wondering whether that might be a possibility. There are various things. We would be very pleased to write a little submission about that if that would be appropriate—encouraging education.

**CHAIR**—By all means; we would be happy to accept that. If there are no other

questions, could I thank you very much indeed for coming down to see us today. We appreciate how difficult it is sometimes to come along when we are available. If there are any other matters that we think of and that we want to know about, the secretary will write to you. We will send you a copy of the transcript of your evidence, to which you can make corrections of grammar and fact.



[2.58 p.m.]

**DIGNAM, Mr Quentin, Community Development and Outreach Officer, Service for the Treatment and Rehabilitation of Torture Trauma Survivors, 152-168 The Horsley Drive, Carramar, New South Wales**

**MURDOCH, Mr Lachlan, Acting Director of Operations, Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, 152-168 The Horsley Drive, Carramar, New South Wales**

**CHAIR**—Can I present to the hearing the representatives of the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors. The subcommittee prefers that all evidence be given in public but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I would invite you to make an opening statement and then we will move to questions.

**Mr Dignam**—Thank you very much. Unfortunately Maria Soares and Nooria Mehraby, who were intending to come, are unable to be here today so you will have perhaps less quality in some areas of our presentation. Let me begin by thanking you on behalf of our colleagues at the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors for the opportunity to appear before you today on the important matter of Australia's regional human rights dialogue.

More so, we thank you on behalf of the many individual survivors of torture and the refugee communities whom we serve, for STARTTS prepared its submission primarily as a way to give voice to their concerns, whether these were expressed to us through formal community consultations, in clinical interviews, or in informal exchanges with our bicultural staff.

STARTTS is in close contact with the suffering of survivors of torture and trauma and directly involved in helping them. Naturally, therefore, many refugee communities see in STARTTS a credible and informed body capable of understanding their world and genuinely representing their views. Moreover, our core values include the condemnation and prevention of human rights abuses. So, while we are an agency of the government, and our prime task is in direct service, the communities expect us to use the avenues open to us to speak for them on refugee matters and human rights. Our mission statement commits us to this course. We will strive today both to represent their views and to articulate our experience adequately and accurately.

In these opening remarks we do not bring forward new issues or information beyond those already presented in the STARTTS submission; rather, we will direct the

subcommittee's attention to a few issues in that submission which we consider particularly important before responding to your concerns and questions.

The values and commitments of our clients have often been the reason they came into conflict with the authorities in the first place. Their experience of torture and oppression has only left them with a more acute sense of justice and a more critical understanding of the workings of governments. Accordingly, they are astute observers also of the language and behaviour of the Australian government and its regional dialogue partners.

They see most clearly the lapses and inconsistencies in Australian policy on human rights: the neglect of Afghanistan with its continuing war, chronic mass displacement of refugees and growing oppression of women; the habitual silence about ongoing abuses in East Timor, and the skirting of human rights issues in Australia's dealings with Indonesia; an apparent preoccupation in Australia's foreign policy with trade and economic links rather than with social development and human rights; a focus on government to government relations rather than the broader perspective afforded by contact with informed local community groups and non-government organisations; and an assessment of in country human rights practices and living conditions, especially in the context of refugee status applications, which seems markedly at odds with their own lived experience and the accounts of their remaining relatives of circumstances in their former country.

The STARTTS submission also notes that there are creative and effective ways for Australia to move forward in its regional human rights dialogue. Within Australia, the continuing support of governments for organisations such as STARTTS shows their willingness to acknowledge the reality of human rights abuses in the region and to assist the recovery of survivors in our community.

There are various forms of action and dialogue by Australia that can also enhance respect for human rights beyond our shores. These include practical support to national and regional human rights organisations; consistency and accountability of our own human rights practice; clear standards and specific goals in our dialogue on human rights; active engagement through delegation visits and assessment missions; and practical support through linking development assistance to human rights standards and outcomes.

With this, I present our written statement, if you wish to circulate it, and also some background information about STARTTS which may be of interest to members.

**CHAIR**—Thank you. Before we go on to questions, I will accept as exhibits to the Human Rights Subcommittee the following documents: STARTTS brochure; a sheet listing basic information about STARTTS—contacts, type of agency, who it is funded by, areas serviced, direct services and so on—the opening statement to the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade; and, finally, a sheet listing clinical staff language capabilities.

In terms of the people that you work with—and we are obviously looking at human rights in a regional context—do you, as a result of the people you are working with, have a feeling for whether, shall we say, human rights practices are improving, or declining, in the major countries of the region?

**Mr Dignam**—I could not say improving, no. I think for our clients, if we look at countries like Sri Lanka, Burma and Afghanistan, the clients we see would report that the practices continue to be quite abusive.

**CHAIR**—For example, when you talk about Sri Lanka, are you talking about a particular part of the community, or general treatment of the community.

**Mr Dignam**—Perhaps Lachlan could clarify the numbers, but we are seeing Tamil survivors, primarily.

**CHAIR**—They would complain about the Sri Lankan army, for example?

**Mr Dignam**—Exactly, yes.

**Mr Murdoch**—Currently we have a significant number of asylum seekers who receive treatment at STARTTS and for whom we provide services. The largest group amongst them are Tamils, usually young Tamil people from Sri Lanka.

**CHAIR**—In terms of those Tamils, for example, are the complaints you are getting actually complaints about official government policy or actions, or are we really talking about—not to be condoned obviously, but nevertheless—the consequences of an active war zone?

**Mr Dignam**—For most of them it is a practice of abuse normally involving arrest, detention and elements of torture and harassment.

**CHAIR**—By the army?

**Mr Dignam**—By the army, typically involving threats, or by the police, usually in the context of assertions of links with one or other of the opposition groups. Indeed, for some of them it is a persecution or threats at the hands of the various Tamil factions, also. Typically, as many of them are young males, they are considered suspect and therefore at risk of experiencing the processes of round-ups and detentions and questioning, often on a cycle. They are in danger of being picked up if they travel in the country and subjected to these practices.

**CHAIR**—You alluded earlier to Afghanistan. Can you perhaps inform the committee, so that we can get it on the record, some of the human rights abuses that you are aware of that your clients are telling you about from Afghanistan?

**Mr Murdoch**—The situation in Afghanistan has deteriorated significantly over the last 18 months to two years. We have a significant number of women who have been subjected to a range of abuses as a result, largely, of their situation within the society. Particularly, I suppose, there is concern for single women, or unaccompanied women, both in Afghanistan and also outside the country, in Pakistan particularly. We have evidence and instances of women who have been subjected to quite terrible and horrible human rights violations as a result of the fact that there is not a male in close proximity to support them, or to provide for their safety.

**CHAIR**—Are you talking about sexual abuses?

**Mr Murdoch**—It can be, yes.

**CHAIR**—You are not talking about denial of education or denial of job opportunities; you are talking about physical abuses. Is that correct?

**Mr Murdoch**—Yes, physical abuse, particularly for those refugee women that I mentioned. Obviously, the situation in Afghanistan is quite parlous for women in terms of the sorts of things that you mentioned regarding education and their ability to live the full lives that they once did. There are instances of women being forced to stay indoors, not given an opportunity to leave their houses. That created problems in itself for communities where women were active in the marketplace, et cetera. There are those sorts of issues as well. They are examples of what we would consider as gross discrimination against women, but there are very specific instances of human rights violations.

**CHAIR**—You also mention Burma. What sorts of violations are you aware of occurring in Burma, currently?

**Mr Dignam**—It is a combination of violations in the country and those occurring to people in the border camps, especially on the Thai border and on the Indian and Bangladesh borders. For those inside Burma, typically it has been detention and torture because of their links with the pro-democracy parties or the student protest movement, and sometimes quite remote links.

For those living in the border situation, the reality they face is lacking effective protection. With the declining military strength of the minorities that sometimes protected them, they are unable even to survive on the borders. In India, often without UNHCR protection or access, their situations are similarly very difficult. It is a combination of torture and oppression in Burma and then unworkable temporary asylum situations that they are facing in the asylum countries.

**Mr HOLLIS**—Do we have many refugees from Afghanistan here?

**Mr Murdoch**—There is a significant number in Australia, yes, somewhere in the

region of 10,000.

**Mr HOLLIS**—What do you actually do? Do you run a counselling service for them?

**Mr Murdoch**—We provide a range of services. We are working with people who, quite apart from the experiences of torture or trauma that they may have had, are also in a situation where they have been forced from their country of origin and have come to a society which is very new to them, to a culture which is quite different. There is a process of adaptation which is often difficult given what they have been through previously.

At one level we are providing counselling, talking therapies. We also are involved in physiotherapy and body work, in a way looking at integrating mind and body, particularly where people have experienced torture. One of the ways in which some people attempt to deal with that is to cut their mind from their body and numb the body. So, it is a process of reintegrating mind and body.

We are also involved in a significant amount of group psychotherapy and activity and support group work, and some community development projects with specific communities. We also have a responsibility to the general health system to provide training and to enable people beyond STARTTS to deal sensitively with torture and trauma survivors in other aspects of providing health services and beyond.

**Mr HOLLIS**—How do people find out about you? Are they referred to you?

**Mr Murdoch**—Yes. The bulk of our clients are referred by other agencies. There are some instances of self-referral or referral by word of mouth. We maintain very close links with the communities that we serve. We are always attempting to ensure that they have an adequate and accurate idea of what we do. We receive a significant number of referrals through ethnic community organisations, for instance.

Part of the process of the community consultations that we engage in is to actually get out messages about what we do. For instance, if you look at the range of cultures that we deal with, counselling and things like physiotherapy and body work are sometimes foreign concepts and they are ones that we have to make intelligible across cultures.

**Senator SYNON**—I was going to ask whether you have a comparable organisation in Victoria affiliated and operating under the same name?

**Mr Dignam**—Yes. In Victoria there is the Victoria Foundation for the Survivors of Torture, along with STARTTS and agencies now in each of the capital cities and in Canberra. There is now a national forum of services for the torture and trauma survivors and Commonwealth government funding for them.

**Senator SYNON**—You talk about an increasing oppression of women in relation to Pakistan. Are you seeing that trend in any other Muslim countries in the region?

**Mr Dignam**—We are certainly seeing gender based persecution, say, in East Timor in the context of a broader pattern of cultural genocide that seems to be going on—forced and coerced contraception and measures like that which have been quite well documented.

**Senator SYNON**—Do you feel that is increasing in East Timor or abating?

**Mr Dignam**—I do not think it is abating. It would be hard to say if it is increasing. Also, it seems to be part of a policy applied differentially in East Timor from other parts of Indonesia's controlled territories. I do not know in other Islamic states we have seen the same—

**Mr Murdoch**—No.

**Mr Dignam**—It is systematic gender based persecution, if you like, that some would say is at the level of political organisation.

**Mr Murdoch**—In many ways, the situation in Afghanistan is actually a result of the growing strength of the Taliban movement and their position on the participation of women in society.

**Senator SYNON**—The theological position.

**CHAIR**—You mentioned Pakistan earlier on. Would you like to elaborate a bit on what has happened there?

**Mr Murdoch**—Pakistan is one of the countries that receives the bulk of refugees from Afghanistan. Both Iran and Pakistan receive very large numbers. In Pakistan, particularly in the north of Pakistan and in areas bordering Afghanistan, there are huge numbers of refugees. We are probably talking about 1.2 million or perhaps even more than that. They are very often in camps and very often in camps that are actually, because of the structure of the camps, controlled by some of the militant Islamic groups. As a result, the protection of those women and the circumstances in which they live are quite precarious, particularly in the case of women who, as I have mentioned previously, do not have male protection at close hand.

**Mr Dignam**—Perhaps significant also is the status of many of the displaced persons in Pakistan, because as we understand—perhaps you could clarify with UNHCR or others—in the recognition of those people as being refugees under the convention the policy seems to have shifted largely with the fading of Western interest in the conflict.

The level of international protection—not just Australia’s interest—extended to refugees in Pakistan seems to have shifted.

**Mr Murdoch**—Yes. Perhaps to emphasise the situation with regard to Afghani refugees in Pakistan and Iran, one issue was raised with us by members of the community who were very concerned about the international community’s attitude to that refugee crisis in the sense that the war in Afghanistan has largely been forgotten. Those refugees, similarly, are in circumstances where they have been forgotten. The means by which durable solutions are being looked to for their problems have, in the past, seen repatriations which have been in many cases considered to be involuntary. They have made the situation so uncomfortable for them in Iran or Pakistan that they are forced to go back into Afghanistan.

**CHAIR**—Certainly when I was in Pakistan—in Peshawar and right up in the border area with Afghanistan; I went right up to the Khyber Pass and so on—just over a year ago—I was also there four years before—whilst there was still a large number of refugees, the numbers were significantly less than when I had been there four years previously. Certainly there were a lot of people going back. It seemed from talking to them that most of them going back were very much doing so voluntarily, because they thought things had calmed down a bit on the other side of the border. I am not suggesting their conditions in Pakistan were ever good. I went to a refugee camp that had 200,000 people in it. It was extremely basic by any standards that we would recognise as normal. There is no question about that. But, nevertheless, given the living conditions they came from, the gap would have been obviously far less of a drop for them than it would be for you or I going there and living in those conditions.

It seemed to me that there were a lot of people voluntarily going back. Certainly when I was there a year ago there was still a lot of overseas money going into Pakistan to help support a lot of those refugees. There were Australians working there, for example, and I went and visited them. Whilst we had had military de-mining teams there when I went four years prior, last time we did not have military teams there but we certainly had Australian civilians there in de-mining training teams and things of that sort. It seemed to me from my own observation that it may not be on the front pages of the newspapers so much but there is still a fairly significant contribution from the outside world. Does that not gel with what you are hearing?

**Mr Murdoch**—Given some of the developments over the last 12 months in terms of—

**CHAIR**—It may have got worse since I was there.

**Mr Murdoch**—the ongoing situation with Taliban and the way in which that conflict has been more and more generalised across the country. These views were coming to us from clients of the service, I suppose in the context of the deteriorating situation in

terms of the war within the country and beyond, and also the movement of people again—people perhaps who had accepted voluntary repatriation who were then leaving the country as a result of the situation as it was.

**CHAIR**—Certainly I got the impression that, if there was a fresh flare-up of trouble in Afghanistan, a lot of people would come over the border and then when things died down they would go back again. There was a lot of toing-and-froing. Certainly all the way down to the border there were a lot of refugee camps. There are no ifs or buts about that at all.

**Mr Dignam**—My perception of the movements, especially of the last 12 months, would be that there was a perception initially that, especially with Taliban in a clear ascendancy—however oppressive—if there was a measure of peace, some people would go back. Then, as inevitably the military situation became even more messy again and the impact of some of these Taliban practices became more oppressive, there was some movement again. But I would not be able to say the net balance that—

**CHAIR**—The other interesting question is whether, apart from what goes on with the Afghan population and in the refugee camps in Pakistan, you are getting any information about human rights and treatment of people, particularly perhaps women and children, in Pakistan, which also has, it seems to me, some unique challenges in this area?

**Mr Murdoch**—We do not have a large number of Pakistani clients. I suppose that is more by virtue of the fact that the immigration program does not really pick up people from within Pakistan who are Pakistanis in the sense that they would have to be outside Pakistan to come to Australia as refugees. So those Pakistanis who are in Australia—I would not say all but certainly the majority—could be reasonably expected to have come to Australia as migrants, to have come under one of the categories, which would suggest that they come from backgrounds—

**CHAIR**—So where would the bulk of your clients come from?

**Mr Murdoch**—We have mentioned Afghanistan. That is one large group. There is also Iran and Sri Lanka. We see a large number of people from the former Yugoslavia, which I suppose is outside the scope of this inquiry. We have significant numbers of clients from South-East Asia and Indochina, particularly from Vietnam, Laos and Cambodia. We have a significant number of clients from East Timor—and there are other large groups but, again, they are from other regions of the world.

**CHAIR**—What sorts of issues are you hearing about from Vietnam, Laos or Cambodia?

**Mr Dignam**—The Cambodia situation, obviously, had another reverberation with the coup in July and the perceptions of safety for people. That was mainly it for the



communities we dealt with. It was a retraumatising because of the memories coming back to them, the reality of what they had suffered. For those who had thought about going back, and for those had tried to maintain links with the country, it became a very frightening prospect not knowing what would happen if they went back to the country.

I think the sense of frailty among the Cambodian community was brought home again because all the effort, the machinery, the beginnings of a democracy and of a functioning society seemed to be in the balance again. The cynicism and neglect, if you like, of the international community is again evident. I think that has been the most prominent reaction for that community that we have seen. I do not think we are seeing new referrals as a result of that exodus. Those who fled to the border with Thailand and a few high profile people may have arrived but we have not seen them.

For the Vietnamese, we are dealing primarily with people who have been here for a while and with the ongoing situation of how a community adjusts to the new political reality that that government is there to stay, even if it persecuted them. Their concerns would be primarily with the continuing political imprisonment of opposition, dissidents, and so on, and the lack of an effective, alternative political life in Vietnam. There is a sense among the people we see that their country is like that. It is still a one-party state and it does persecute any opposition. Therefore, there is an expectation for the Australian government to keep pressuring the Vietnamese government on that. I think that is the sort of perception we get.

**CHAIR**—That is a political concern rather than an individual human rights concern, isn't it?

**Mr Dignam**—I think it is where the community has identified particular individuals who have been imprisoned, and that has been taken up. I think the community sees that, in the past, cases for specific detainees have been taken up and have been addressed by the Australian government or parliamentary delegations, and they see that as an important intervention. They would still highlight that the practice is going on, that all is not sweet in Vietnam. So it would be a concern that the Australian government not forget that and that this still goes on in Vietnam, however much relations, if you like, are normalised, and the war is over. So I would distinguish that from it being a strictly political concern.

**CHAIR**—Laos?

**Mr Dignam**—I don't know that we are hearing that much of recent.

**CHAIR**—You mentioned Laos; that is why I asked specifically.

**Mr Dignam**—Not so much with the recent developments. I think people are coming to us because of an experience of torture that they have suffered. But they are not

dealing so much with current events and human rights practice in Laos, or not reporting on that to us.

**Mr Murdoch**—Many of the Laotian clients were interned in labour camps. They were released from those some time ago.

**CHAIR**—It is still a one-party political state.

**Mr Murdoch**—Yes, but it has relaxed somewhat.

**CHAIR**—The communist government still controls the media. So there are obviously human rights concerns there. I was in Laos in September and I was surprised that you would have many customers from there currently.

**Mr Dignam**—No.

**Mr Murdoch**—As a result of current developments there, nothing at all.

**CHAIR**—Thank you for coming and talking to us today. If there are other questions we think about after you have gone—and that often happens—the secretary will write to you. We will send you a copy of the transcript of the evidence to which you may make corrections of grammar and fact.

**Mr Dignam**—Could I add that I am conscious of your remarks about Pakistan and I would like to alert you to the fact that there is a similar agency operating in Pakistan, as in Nepal and some of the other places in the region. I have not been in contact with them for some years but they are dealing with the realities of torture practised by Pakistani authorities on Pakistani citizens.

**Mr Murdoch**—In my comments, I was not trying to convey a perception that those things do not occur in Pakistan. It is just simply that we do not receive clients from there.

**CHAIR**—I appreciate that.

Resolved (on motion by **Mr Hollis**):

That this subcommittee authorises publication of the evidence given before it at public hearing this day.

**Subcommittee adjourned at 3.31 p.m.**