

Submission 6

**Submission by the VCA (Vietnamese Community in Australia)
To the Human Rights Sub-Committee,
The Joint Standing Committee on Foreign Affairs, Defence, and Trade
For its Inquiry into
Human Rights And Good Governance Education In The Asia Pacific Region**

The Rights Education

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The Inquiry's Terms of Reference

- the role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development;
- Australia's involvement in human rights and good governance education in the Asia Pacific region identifying achievements and obstacles to further progress;
- the involvement of the UN and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific region; and
- progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education .

Introduction

The VCA thanks the Committee for the opportunity of making this Submission.

We make this submission as the peak federal body representing the Vietnamese Australian community, with Chapters in every mainland State. Apart from our elected representative capacity, the VCA's Federal and State Chapters also conduct aid and education activities, such as: part-taking in the Pam Baker Foundation to assist poor children with their education; raising funds for reliefs of disasters in Australia, Vietnam, or elsewhere; running workshops on illicit drug prevention etc.

The first 5 sections cover some general issues, the remaining sections cover topics specific to Recommendations therein. Because some relate to more than 1 term of reference, the Submission is organised by topics rather than by terms of reference.

Listed in Appendices 1 and 2 are our recommendations in 2001 and 1999 to the Committee for its previous Inquiries (into the link between aid and human rights, and into religious freedom). We list them because most are still relevant, and because they did not appear to have been considered by the Committee.

Meaning of 'Education' and 'Asia Pacific'

- We take 'education' as having a broad meaning, well beyond training or teaching, to include anything that helps to improve the understanding of, or assisting in the giving effect to, human rights or good governance.

For example, one of our Recommendations is to encourage local companies, particularly state-owned-enterprises of recipient governments, to not be involved in bribery of their government officials. We see this as education against the bad-governance practice of bribery.

- We take Australia as being in the Asia Pacific region, therefore within the scope of this Inquiry.

"Asian values" is a poor excuse

Leaders of Asian countries sometimes use the concept of Asian values to defend their countries' lack of respect for the values contained in the UN's declarations and various instruments on human rights and good governance.

We think "Asian values" is a poor excuse.

As Australians who came from a country and culture where "Asian values" are supposed to operate, we do not see any reason why such supposed values should take precedence over universally accepted values on human rights and good governance.

Rights lead to poverty reduction, not necessarily vice versa

While this Inquiry is not specifically about or limited to overseas aid, many of our analyses and Recommendations will relate to aid, because aid is likely to be among the best available means to effect human rights and good governance education.

The Australian government appears to hold the view that having poverty reduction as the sole objective of Australian aid will lead to improvements in good governance and human rights¹.

We observe that Singapore is rich and has little corruption but lacks respects for human rights. We also observe that China has been getting richer but improvements in governance and human rights, if any, can be reversed anytime Beijing wants.

We also fail to find any country in the world which respects its citizens' rights and has good governance practices, that is poor or staying poor.

Therefore, we believe that protecting and promoting human rights, and actively encouraging good governance, should be an explicit objective of Australian aid.

Rights-based approach to development

While AusAID has maintained that it has no clear understanding of what a "Rights-based approach to development" means, some others do. One example is the approach *already adopted* by the UK government's Department For International Development.

Another example is the September 2002 OHCHR's "Draft Guidelines: A Human Rights Approach To Poverty Reduction Strategies"². This guideline, from a world authority, clearly sets out 5 guidelines for the process of formulating a rights-based approach to poverty reduction (identification of the poor, participation and empowerment etc.), 10 guidelines for specified human rights (to adequate food, to health, etc.), and 3 for monitoring and accountability of governments and other actors.

The Committee has previously suggested that AusAID consult with NGOs to obtain a clear and mutual understanding of this approach. AusAID has taken its time to do so. The first such consultation is yet to occur, in mid December. A push by the Committee, perhaps as part of this Inquiry, may assist.

Food for thought: must AusAID be controlled by DFAT?

Official aid is *from one people to the other, not from government to government*.

As part of democracy, the Australian people have entrusted the government to control the aid program. But does it have to be DFAT?

¹ This was, for example, shown in AusAID's and DFAT's response to the Committee's Inquiry into the link between aid and human rights

² <http://www.unhchr.ch/pdf/povertyfinal.pdf>

Our answer is no, it does not, and should not be.

A 2001 Newspoll survey commissioned by AusAID and ACFOA found that some three-quarters of respondents saw the primary aim of overseas aid as for humanitarian purposes, rather than for national-interest ones. People who control the aid program therefore need to have a sense of humanity first and foremost, and also diplomatic skills. But is it more feasible to train humanitarians to gain diplomatic skills, or to train a humanitarian sense into diplomats?

Putting the aid function in a department responsible for trade may lead to some practical trade benefits for Australia and Australian companies. But the same can be achieved with an AusAID outside DFAT.

On the other hand, the existing close and structural linkage between aid and foreign affairs & trade (both in terms of policy and, importantly, career structure for officials) can lead, and has led, to diplomatic and trade considerations *running* the aid agenda.

- As an example, the Committee saw during its recent Inquiry into the link between aid and human rights that AusAID and DFAT actively resisted a rights-based approach to aid. Since then, it has been slow and reluctant to comply with the Committee's suggestion, and the Foreign Minister's instruction, to discuss this topic with the NGO community.
- As another example, AusAID's draft strategy paper in early 2002 about the 2002-06 strategy for Vietnam shows it sees good governance primarily as a means to support trade and investment. In its "Governance challenges" section, the paper says "*In particular, to establish itself as a safe and productive place to invest, Vietnam needs to overcome perceptions of slow decision-making, and lack of transparency*". Throughout the paper, mentions of encouraging good governance to enable poor people to participate³ in decisions affecting their lives, are rare and on the sideline. When mentions of uprisings against gross abuses or other human rights issues were made, it was in the context of investment and showed more concerns about trade than for the people's rights⁴.

We believe this problem should be addressed. One solution is to de-link the aid function from DFAT, and reduce the present total control of aid by diplomats.

³ Participation by poor people is a well accepted concept. For example, the UN's Millennium Development Goals has poverty eradication as one of the goals, and it is stated that "[*Economic Growth is not enough*]", but "*To achieve the Millennium Development Goals, poor people must be empowered to take steps to improve their lives*" (<http://www.developmentgoals.org/Poverty.htm>)

⁴ - "*recent improvements in 'grassroot democracy' and openness of public debate on policy issues paradoxically make some reforms, especially those involving job losses, more difficult to implement.*" - ("Governance challenges" section)

- "*Two civilian 'uprisings' in disadvantaged provinces occurred in recent years, and the Government has responded swiftly to suppress disorder, while also seeking to redress underlying grievances and strengthen participatory processes at the "grassroots". However, according to a recent survey, Viet Nam is considered by potential investors to be the 'safest' country in Asia in terms of physical security.*" - (Attachment 1" Overview of Viet Nam's economic and policy environment")

Another solution is to build a human rights structure into DFAT and AusAID, similar to a VCA recommendation⁵ in 2001 which, incidentally, did not appear to have been considered by the Committee at the time, together with our other recommendations.

Improve rights and governance education in Australia

As Australia is part of Asia Pacific, it is within scope of this Inquiry. This Section and the next relate to Australia.

While Australia is not a laggard or a poor performer, its performance can be improved on a number of fronts:

We recommend that a mechanism for financial and other support be provided by the government to NGOs and other institutions that are engaged in human rights and good governance, or in education of same. These include the Australian Forum of Human Rights Organisations (of which we are a member), the National Committee on Human Rights Education, the Human Rights Council of Australia, and the HREOC.

As part of the above, we recommend that the government consider extending tax deductibility status to NGOs that are wholly or substantially involved in the education, promotion, or protection of human rights or good governance in Australia or targeting the Asia Pacific region.

We recommend that the government include Australian civil society in the formulation, implementation, and monitoring of its National Action Plans on human rights, or other such national plans, whether initiated internationally or not.

Incorporate UN Millennium Development Goals in aid and foreign policy

⁵ (Recommendation 9 in the January 2001 Submission "Aiding Human Rights" by VCA to the parliamentary Inquiry into The Link Between Aid And Human Rights:) *"The Australian Government strengthen DFAT's human rights-related capacity, by using part of aid funds if necessary. Specifically, DFAT should be given the necessary resources to:*

- a- Sufficiently monitor human rights developments,*
- b- Make representations and do necessary field work (see below),*
- c- Work with in-country organisations (government or non-government) to help protect and promote human rights,*
- d- Participate in human rights dialogs (see below), and*
- e- Report same to the Government or the Parliament as required."*

The Goals were agreed at the Millennium Summit in 2000. One Goal relates especially to education: *“Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.”*

As part of human rights and good governance education, education itself – in the above sense – is an important part, leading to children growing up as productive, rights-enjoying, and rights-respecting adults.

We recommend that the Australian government incorporate the Millennium Development Goals into its aid policy, and its foreign policy where applicable.

This Recommendation partly formalises the existing intent of the government, but it also serves as a means to evaluate aid and foreign policies, strategies, and programs.

However, the debt-relief part of the Goal “Building a global partnership for development” deserves special attention here. Helping the poor is the point, but many debt-relief advocates fail to recognise the fact that many HIPC’s have corrupt governments that stand ready to pilfer relieved debt payments.

As part of the above Recommendation, we advocate that debt relief be given only where it can be shown that corruption in the recipient country will not frustrate the debt relief objective of helping the poor.

Introduce scholarship students to rights and governance concepts

The scholarships, provided to people from aid recipient countries, provide a good and appropriate opportunity to expose these people to internationally-accepted values about human rights and good governance. Therefore:

We recommend that the government take steps to introduce scholarship students whom it assists to undertake study (conducted by or for Australia, in Australia or elsewhere), to internationally-accepted values about human rights and good governance.

Involve recipient country’s civil society, not just government

One consequence of the concept that aid is from one people to another and not from government to government, is to ask what to do when the recipient government is not representative because it is not elected in elections, or in free and fair elections.

The easy option is to simply deal with them only. This is the current approach in some recipient countries, including Vietnam.

This approach leads to serious consequences. It means Australian taxpayer money is channelled through authoritarian and usually corrupt governments, which is not the

intent of the Australian public. It means the people, including the poor, have no say in development decisions that affect their lives. It means the aid program not only does *not* encourage the development of local civil society but, for also shuts out those local NGOs aspiring to take their part.

In practice, there are problems, such as the existence of quasi-NGOs. However, we believe that the problems can, and should, be addressed:

We recommend that, as a matter of principle, AusAID involve and consult with civil society of the recipient country in the formulation and implementation of aid strategies, plans, and projects.

Where the country's government is not democratically elected, NGOs may not exist, or they may be controlled by their government. If so, we recommend that AusAID request the recipient government to show a scrutinisable timetable and plan towards allowing and facilitating civil society.

AusAID should, as part of its annual reports, report on these governments' response (or lack of), and the progress of the plans in practice. AusAID should, in its country programs and country strategies, consider the civil society situation, analyse how the lack of it impede the aid objective of sustainable poverty reduction, and devise plans to encourage its development.

Where local NGOs are too small to meaningfully participate, we recommend that AusAID assist them to do so.

Improve Human Rights Small Grants Scheme

The Scheme's small grants have the potential to play a big part in fostering local civil society, thus assisting civil society and individuals to improve their human rights and poverty situation. In the context of this Inquiry, it can help the grantees to conduct human rights and good governance education activities. We therefore commend the government for establishing it.

It is difficult to find out, however, how the Scheme makes itself known to potential beneficiaries, how decisions are made or not, and how grantees perform.

We recommend that a review be undertaken to look into how the Human Rights Small Grants Scheme may be improved in terms of transparency, accountability, and effectiveness.

Educate Australian *and* other companies against bribery

Australia has enacted laws⁶ that punish companies from bribing overseas foreign officials. These laws, if complied with, are a major advance on the path to good governance and respect for human rights.

Virtually no efforts have been made at government or peak business level to educate the Australian business community about their obligations. Therefore,

We recommend that the government investigate actions it could take to educate Australian companies involved overseas about laws against bribing overseas foreign officials. As part of that, peak business bodies in Australia should be encouraged to play a role.

For the sake of a level playing field, we believe that it is important for the above obligation to not be limited to Australian companies operating overseas, but also to other foreign⁷ companies *and* local companies operating in those countries. Therefore,

We recommend that the government investigate actions it and others could take to encourage the non-bribery of foreign officials by other companies, ie. other foreign companies, and local companies.

Education alone is not likely to be enough to achieve compliance. Enforcement and vigilance is also needed.

We recommend that the government take actions to facilitate monitoring and enforcing the non-bribery obligation of Australian companies.

With other foreign companies, because they are outside the jurisdiction of the Australian government, but within the multilateral scope, the government should work with other governments and multilateral bodies to facilitate monitoring and enforcement.

With local companies, again they are outside the government's jurisdiction. But if the country is an aid recipient of Australia then, given that Australian aid has good governance – including freedom from corruption and bribery – within its scope, to do nothing, as up to now, is not acceptable.

We recommend that the government incorporate measures within its aid program to gauge the extent of bribery by local companies in aid recipient countries, and to encourage the recipient government to cooperate in getting those measures carried out.

⁶ Criminal Code Amendment (Bribery Of Foreign Public Officials) Act 1999 (Cth)

⁷ Particularly OECD countries. Refer the OECD Bribery Convention

Educate Australian and other companies about rights and governance

Broader than the above issue of corruption is the issue of the obligation on foreign and local companies in relation to human rights and good governance.

There is some international guidance on these obligations. As part of the human rights and good governance agenda both in Australia and overseas, particularly in aid recipient countries, companies should be informed about them and encouraged to comply.

One example of the above guidance is the Commission on Human Rights of the UN's Economic and Social Council, which has a Working Group on The Working Methods And Activities Of Transnational Corporations.

Another is the OECD Guidelines For Multinational Enterprises. Despite its name, it should not be limited to, for example, only Australian and other foreign companies operating in Vietnam, but also Vietnamese companies operating solely in Vietnam – particularly state-owned companies, which are under direct control of the aid recipient governments.

Neither human rights and good governance objectives, nor trade ones, are achieved if Australian and other foreign companies are under pressure to meet their obligations but their Vietnamese competitors are not.

We recommend that the Australian government take actions to encourage Australian companies, and work with other governments to encourage their companies, to be aware of and respect appropriate international guidance on their human rights and good governance obligations.

We recommend that, as part of its aid strategy, the government encourage aid recipient governments to encourage local companies operating locally to be aware of and respect such guidance (or local laws in accordance with such guidance)

As part of the above, the willingness and effectiveness or otherwise of aid recipient governments should be reported, analysed, and taken account of in AusAID's country strategies.

As part of the above, the willingness and effectiveness of local companies should be taken account of in any aid projects. In particular, projects that directly, or indirectly involve them (eg. via Australian aid deliverers working with them), should receive increased scrutiny.

Involve Radio Australia in rights and governance messaging

Education usually requires a message to be sent. And Radio Australia is one medium to send messages.

Radio Australia can send messages to the people who matter – the poor (many of whom can afford ownership of or sharing access to a radio) and officials whose decisions and actions affect the poor.

We recommend that Radio Australia be required to project Australian values relating to human rights and good governance. A good starting point is to ensure that this role is included in its Charter. Radio Australia should be adequately resourced to perform this role. It should involve community consultation in doing so, and report on its work to the community in its annual reporting.

Establish an international centre for human rights and democratic development

We suggest that Canada's International Centre for Human Rights and Democratic Development, and its parliamentary Act of 1988 of the same name⁸, deserve serious consideration by the Committee as an example of how Australia can seriously undertake activities in human rights and good governance education in particular, and human rights and good governance in general.

We recommend that a substantially-funded, independent entity be formed which would have the role of operationalising recommendations from this Inquiry and overseeing or engaging in their implementation. As part of its charter, it should have these functions: advocacy, capacity building, and some elements of research. Canada's International Centre for Human Rights and Democratic Development is a possible model to consider.

The existing CDI is not an alternative to this Recommendation. It does only a small part of the above.

Evaluate existing rights and governance education initiatives

Presently the Australia government has a number of initiatives linked to human rights and good governance education. In particular:

- Exchange visits of judges and other legal professionals with Vietnam
- Human rights education aid in Burma and in Vietnam

⁸ The Act can be accessed at <http://www.canlii.org/ca/sta/i-17.3/>

As with all other parts of the aid program, these should be evaluated against relevant objectives to see if they have been met.

This is particularly important where the initiative involves overseas travels for the recipient government's officials, to avoid possible misunderstanding and disapproval by the public.

What should the above-mentioned objectives be?

- In the case of judicial visits, the objective should be not just a better understanding by Vietnamese officials (all or most of whom are Communist Party officials) of the Australian justice system, but also a desire – backed up by action – to use relevant aspects of it.
- In the case of providing human rights books in Vietnam or running courses in Burma, the objective should be not just that the books are read and the courses are attended, but also that there appears to be a desire to respect their contents.

We recommend that aid initiatives that mainly relate to human rights or good governance education targeted at government officials be evaluated as part of the usual evaluation processes. Such evaluation should use objectives such as above, and include looking at the observed behaviour of such officials.

Include free press objective as part of poverty reduction

Consider these:

- In early November, the World Bank and the World Association of Newspapers jointly launched a WB report entitled "The Right to Tell - The Role of the Mass Media in Economic Development". According to WAN, this report *"provides clear evidence to development agencies and governments that a free press can reduce poverty and boost economic development."*⁹
- Numerous government and AusAID strategy papers, guidelines, ministerial policy speeches to the Parliament¹⁰, have acknowledged that human rights, including freedom of speech, are linked to poverty reduction - the objective of Australian aid.
- Australia's own experience supports the above conclusions of the WB report.

⁹ WAN press release dated 7 November 2002 "New World Bank report links economic development and a free press"

¹⁰ For example, the government's December 2000 policy "Good Governance: Guiding Principles for Implementation", or the Foreign Minister's Eleventh Statement to the Parliament on Australia's Development cooperation Program

- A free press in countries such as Vietnam would be good for Australia's interest in terms of an improved rule-of-law environment for Australian companies, visitors, and NGOs operating there.
- In the context of this Inquiry, a free press in such countries spreads messages about rights and governance.

Putting all the above together, we see a strong case for putting the attainment of a free press on Australia's aid agenda for recipient countries that do not currently have a free press.

We recommend that AusAID request governments of recipient countries that do not have a free press, or that unduly restrict their peoples' access to overseas media (satellite, internet, imported newspapers or other media), to show that they have a scrutinise-able timetable and plan towards a free press.

AusAID should, as part of its annual reports, report on these governments' response (or lack of), and the progress of the plans in practice. AusAID should, in its country programs and country strategies, consider the free press situation, analyse how the lack of a free press impedes the objective of sustainable poverty reduction, and devise plans to encourage its development.

Include corruption analysis in AusAID country strategies

AusAID knows that corruption is a major problem in many recipient countries, and that it is a central impediment to sustainable poverty reduction. This linkage is also widely acknowledged internationally¹¹. Yet currently its country strategies and plans have only passing coverage on this topic.

We suggest that a detailed and careful coverage should be given to analyse its effects on Australian aid, and to tackle it.

We recommend that as part of its country strategies and plans, AusAID should, in a substantial section, analyse and tackle the corruption problem. The section should do at least 3 things:

- **show what AusAID has done to measure the impact of corruption in the recipient country on Australian aid there;**
- **devise plans, for example in terms of good governance education initiatives, to encourage the**

¹¹ See, for example, the 1998 World Bank report "Assessing Aid: What Works, What Doesn't". For example, in its last chapter, the report says "*It is possible to assist development in countries with weak institutions and policies, but the focus needs to be on supporting reformers rather than disbursing money.*"

recipient government to address its corruption problem, and to analyse its willingness and effectiveness; and

- **analyse whether local institutions (such as civil society, the free press, or anti-corruption bodies etc.) exist, how effective they are in fighting corruption, and what Australian aid could do to assist them.**

Include human rights analysis in AusAID country strategies

While not agreeing to a rights-based approach to aid, or what we have previously advocated, namely making the promotion of human rights a parallel objective of aid¹², nevertheless AusAID does acknowledge the central importance of human rights and good governance.

Our above recommendation deals specifically with corruption as a particular governance and rights problem. The following Recommendation deals with these problems more generally:

We recommend that as part of its country strategies and plans, AusAID should, in a substantial section, analyse and tackle human rights and good governance problems there. The section should do at least 3 things:

- **summarise the human rights situation, and show whether aspects of it have improved or deteriorated compared with past years;**
- **devise strategies and plans to improve the situation; and**
- **analyse whether local institutions (such as civil society, the free press, or independent anti-corruption bodies etc.) exist, how effective they are in terms of protecting human rights and promoting good governance, and what Australian aid could do to assist them.**

Improve transparency and effectiveness of Asia Pacific Forum

We believe that the APF of National Human Rights Institutions is a worthwhile initiative, and commend the government for its part in forming it.

While the destiny of the Forum should be in the hands of all involved countries, at the beginning there is still a need for the APF to be financially supported by Australia. Therefore,

¹² (Recommendation 1 in VCA's January 2001 Submission "Aiding Human Rights" to the parliamentary Inquiry into The Link Between Aid And Human Rights): *"The protection and promotion of civil and political rights be made an objective of Australian aid, no less important than reducing poverty or economic rights."*

We recommend that funding to the HREOC for its provision of the Secretariat role for the APF be maintained.

However, some authoritarian governments would tend to use their NHRIs and APF participation as a token gesture, a defence shield, or a delaying mechanism against real improvements in human rights and good governance, or in education for same.

To guard against this, reforms should be undertaken to improve the Forum's transparency and democratic participation, and to build in mechanisms to support and push for continual improvements in NHRIs.

We recommend that the government seek APF reforms to allow NGOs (Australian and others) to participate in its work and meetings. As part of this, Australian NGOs should get assistance from the government to attend the meetings.

We recommend that the government help to devise APF mechanisms that encourage all participating NHRIs to increasingly consult with and involve genuine civil society participation in their countries.

Conclusion

In this Submission we have analysed and made Recommendations relating to a wide subset of the large area of human rights and good governance education.

The Australian government has made a number of significant achievements, and we have noted and expressed our support.

Many of our analyses and Recommendations relate to foreign aid. We assume that at least some of the Committee's Recommendations will too. Within the existing culture in AusAID and DFAT, however, it is difficult to see whole-hearted implementation by the government.

While structural and other solutions to build a human rights and good governance culture into the aid function are somewhat outside the scope of this Inquiry, without them progress will be very slow.

We invite the Committee to consider our analyses and Recommendations, and to peruse our attached recommendations to previous Inquiries, which did not seem to have been considered.

- End of Body of Submission. 2 Appendices follow -

Appendix 1- List Of Recommendations In VCA Submission “Aiding Human Rights” To The Committee’s Previous Inquiry Into The Link Between Aid And Human Rights

Recommendation 1 - Make civil and political rights an aid objective

The protection and promotion of civil and political rights be made an objective of Australian aid, no less important than reducing poverty or economic rights.

Recommendation 2 - Make transparency in recipient government an aid objective

The promotion of transparency in the recipient country's government be made an objective of Australian aid, no less important than reducing poverty or economic rights.

Recommendation 3 - Condition aid on some critical transparency requirements

The Australian Government investigate what transparency in recipient government requirements are critically important for Australian aid to be effective and efficient, and undertake discussions to require such transparencies as conditions for aid.

Recommendation 4 - Make Australia’s aid program be seen as transparent

The Australian Government look into ways to improve publicly available information about aid, in particular to satisfy that the aid program is transparent and accountable.

Recommendation 5 - Educate aid deliverers about bribery laws

The Australian Government look into ways to educate companies involved in aid delivery, about new Australian laws against bribery of foreign public officials.

Recommendation 6 - Study of human rights on the agenda of multilateral entities

The Australian government initiate an inter-departmental study to examine in detail the questions of whether, where, and how the issue of human rights should feature on the agenda of international multilateral entities:

- The "whether" relates to balancing of Australia's national interests and the interests of donor countries.
- The "where" relates to which multilateral entities should be targeted, for example the:
 - World Bank
 - United Nations Development Program
 - International Monetary Fund.Influential aid donors
- The "how" relates to the ways in which, the strength by which, and the occasions on which Australia's points are made.

The Parliament should be given an opportunity to contribute to the study itself and, where possible, help formulate the study's terms of reference.

In addition to departmental personnel, the study should involve - ranging from consultations with to direct contributions by - personnel from outside government departments, such as the Parliament, relevant bodies, and NGOs.

Its recommendations should be responded to by the government and all relevant parties.

Recommendation 7 - Aiding local organisations to promote human rights

The Australian Government allocate a small annual percentage of funds to aid local human rights organisations (by and for local people, operating locally, to protect or promote some or all of their own people's human rights).

AusAID should be charged with the responsibility of actively seeking opportunities to effect such aid.

If the recipient governments do not allow the implementation of this Recommendation, that fact should be reported to the Parliament.

Recommendation 8 - Radio Australia's charter to include rights projection

The Australian Government, within the freedom of the press principle, to ensure that Radio Australia's charter include words to the effect that its role includes "projecting the Australian people's views of universal values of human rights and democracy".

In carrying out this Charter, Radio Australia should be guided by a community consultation process in which community organisations with an interest in human rights are represented.

In its annual report, Radio Australia's activities in this area should be detailed. It should also separately write to the Human Rights Sub-Committee highlighting the relevant activities.

Recommendation 9 - Use aid funds to strengthen DFAT's human rights capacity

The Australian Government strengthen DFAT's human rights-related capacity, by using part of aid funds if necessary.

Specifically, DFAT should be given the necessary resources to:

- a- Sufficiently monitor human rights developments,
- b- Make representations and do necessary field work (see below),
- c- Work with in-country organisations (government or non-government) to help protect and promote human rights,
- d- Participate in human rights dialogs (see below), and
- e- Report same to the Government or the Parliament as required.

Recommendation 10 - DFAT officials to visit political prisoners, and report to Parliament

Where the recipient country is alleged to hold political prisoners, DFAT officials to regularly meet with that government's representatives, both in-country and in Australia, to make representations to free political prisoners.

The Australian Government should, at least on these occasions, request aid recipient governments for DFAT officials to visit political prisoners.

These visits should be as regularly as feasible, and to as many people as feasible, within available resources.

The Government should, at 6 monthly intervals, report on these visits and representations to the Parliament.

If the recipient government refuses Australia's requests, the reports should cover those refusals, and Australia's responses.

The above reports should be publicly available, including on DFAT's website.

Recommendation 11 - Human rights dialogs with emphasis on results, consultation, and accountability

The Australian Government initiate regular human rights dialogs with aid recipient governments to which it has been making human rights representations.

Where necessary, the Government strengthens departments' capacity to participate in such dialogs by using part of the aid funds if necessary.

It is important that the dialogs have an emphasis on results, practical work, accountability, and two-way community consultation, as follows:

- The dialogs should have an emphasis on practical and hands-on work, such as site visits by officials,
- Regular 6-monthly reporting should be made to the Parliament to report on results, explain what has been done to achieve such results, or explain why results have not been achieved and what actions are planned to achieve them,
- To allow the Parliament to retain an active role, the Human Rights Sub-Committee should have the ability to suggest target results for the dialog, and to request briefings on an ad-hoc basis,
- Community consultation should be undertaken to receive inputs and to brief interested community groups, and
- Non-government observers should be allowed to be present at meetings.

Recommendation 12 - Effective human rights education aid

The Australian Government include two additional aspects in its human rights education aid, such as to Burma and Vietnam:

- Follow up should be conducted with trainees to assess whether and how the training has been applied in their work and to evaluate the human rights outcomes. Results from this should be factored into annual decisions about whether this type of aid should be continued, or modified,
- Consideration should be given to including a wider range of people among the beneficiaries, such as legislators and press editors.

Recommendation 13 - Introduce scholarship students to human rights-related concepts

The Australian Government take steps to introduce students whom it sponsors to undertake study (conducted by or for Australia), to human rights concepts and related concepts:

- The contents may cover international human rights instruments, Australia's role and initiatives in human rights, concepts about democracy, transparency, and governance.
- This introduction may occur at a student's induction, but can also take place any other time during a student's course of study.

- End of Appendix 1 -

Appendix 2 - List Of Recommendations In VCA Submission "Australia Making A Real Difference" To The Committee's Previous Inquiry Into Australia's Efforts To Promote And Protect Freedom Of Religion And Belief

Recommendation 1 - Religious freedom as a factor in aid program

The Australian government include promoting religious freedom as a factor in Australia's aid program to Vietnam, no less important a factor than gender equality presently is.

Recommendation 2 - Funding for churches' aid work

The Australian government allocate a small annual percentage of aid funds to support aid projects in Vietnam that are run by Vietnamese churches, religious organisations, or local religious communities.

AusAID should actively seek opportunities to support such aid projects.

Independent churches, religious organisations and religious communities that are not government-sponsored should have no less than 1/2 share of such budget.

If the Vietnamese authorities do not allow the implementation of this Recommendation, that fact should be reported to the Parliament.

Recommendation 3 - Advisory Group with emphasis on practical work

The Australian government form an Advisory Group to advise it on how religious freedom may be promoted and protected, including but not limited to aid matters.

The Advisory Group should include experts that may come from the community or NGOs.

The Advisory Group should report to the government and to the Human Rights Sub-Committee on the current state of religious freedom, and make recommendations on what Australia can do to improve the situation.

In relation to aid, this Advisory Group should visit Vietnam at least once a year to conduct its aid-related work. This involves identifying aid projects that would promote or protect religious freedom, subject of Recommendation 2.

The Advisory Group should meet at least twice every 6 months in Australia to prepare for and follow up on its above visits and its reports.

Recommendation 4 - Radio Australia's role

The Australian government, within the freedom of the press principle, encourage Radio Australia to reflect the Australian people's views of freedom of religion in particular and human rights and democracy in general.

It is strongly desirable for the above to be reflected into Radio Australia's charter, which should then be developed into policies and eventually into on-air reality, which is systemic, non ad-hoc, and long term in character.

Radio Australia should be guided by a community consultation process in which community organisations with an interest in human rights are represented.

In its annual report, the ABC should detail Radio Australia's activities in this area. It should also separately write to the Human Rights Sub-Committee highlighting the relevant activities.

Recommendation 5 - Regular representations, visits, and tabling

DFAT officials regularly meet with both Vietnamese officials in Vietnam and Vietnamese Embassy officials in Australia to make representations to free religious prisoners or house detainees.

The government should, on these occasions and during other written or oral representations, request the Vietnam side to allow DFAT officials to visit religious prisoners and those under house arrest.

These visits should be as regular as feasible, and to as many people as feasible.

The government should, at 6 monthly intervals, prepare reports on these visits and representations. If the Vietnamese government refuses Australia's requests, the reports should cover Vietnam's refusals, and Australia's responses to those refusals.

The government should table these reports in Parliament as they become available, and also put them on DFAT's website.

Recommendation 6 - Human rights dialogue with emphasis on results, consultation, and accountability

The Australian government initiate regular dialogue with Vietnam on human rights, with emphasis on results, practical work, accountability, and two-way community consultation:

- The scope of the dialogue should cover religious freedom but may extend to other human rights.
- The dialogue should have an emphasis on practical and hands-on work, such as site visits by officials involved in the dialogue.
- Regular 6-monthly reporting should be made to the Parliament to report on results, explain what has been done to achieve such results, or explain why results have not been achieved and what actions are planned to achieve them.
- To allow the Parliament to retain an active role, the Human Rights Sub-Committee should have the ability to suggest target results for the dialogue, and to request briefings on an ad-hoc basis.
- Community consultation should be undertaken to receive inputs and to brief interested community groups. This may be achieved simply by nominating a suitably available officer as a community liaison officer.
- Non-government observers should be allowed to be present at meetings.

Recommendation 7 - Improving effectiveness of human rights education aid, and including human rights in education aid

The Australian government include two additional aspects in its existing human rights education aid:

- Follow up with trainees to assess whether and how the training has been applied in their work. Results from this should be factored into annual decisions about whether this type of aid should be continued, or modified.

- Include a wider range of people among the beneficiaries, such as legislators and press editors.

The Australian government take steps to introduce students whom it sponsors to undertake study conducted by or for Australia, to religious freedom and other human rights, democracy, and governance concepts:

- The contents may cover international instruments, Australia's role and initiatives in human rights in Vietnam, and a constructive comparison of Australia's political governance system with Vietnam's.
- This introduction may occur at a student's induction, but can also take place any other time during a student's course of study.
- In its selection of students to be sponsored, Australia should assess, by way of an aptitude test or similar, whether the student is likely to benefit from such introduction.
- This part of the Recommendation applies whether the study is conducted in Australia or in Vietnam itself.
- If private students, ie. those not sponsored by Australia, wish to avail themselves of this introduction, it should be available at no cost.

Recommendation 8 - Study of human rights on the agenda of multilateral entities

The Australian government initiate a study to examine in detail the questions of whether, where, and how Australia may help to put the issues of religious freedom and other human rights, governance, transparency, and democracy on the agenda of international multilateral entities:

- The "whether" relates to balancing of Australia's national interests.
- The "where" relates to which multilateral entities should be targeted, for example the World Bank, International Monetary Fund, and various UN entities, such as United Nations Development Program or UNESCO.
- The "how" relates to the ways in which, the strength by which, and the occasions on which Australia's points are made.

The Parliament should be given an opportunity to contribute to the study itself and, where possible, help formulate the study's terms of reference.

In addition to departmental personnel, the study should involve - ranging from consultations with to direct contributions by - personnel from outside government departments, such as the Parliament, relevant bodies, and NGOs.

Its recommendations should be responded to by the government and all relevant parties.