



Submission No 16

Inquiry into Australia's Human Rights Dialogue Process

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DEVELOPMENT**

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ATTORNEY-GENERAL'S DEPARTMENT

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The Human Rights Sub-Committee

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**The Joint Standing Committee on Foreign Affairs, Defence
and Trade**

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BACKGROUND

The most important goal of Australia's human rights diplomacy is to make practical improvements to the human rights situations in other countries. The Government pursues this through a combination of constructive dialogue, technical assistance and the building of institutions which underpin good governance.

In the cases of China, Vietnam and Iran this engagement includes a dedicated dialogue on human rights issues.

In identifying these countries as dialogue partners the Government took into account a range of factors, including the following:

- the need to improve our engagement on human rights issues;
- our capacity to make a practical difference to the human rights situation;
- the level of domestic interest in the human rights situation; and
- the willingness of the partner to enter into cooperative interaction on human rights.

In each case we now have a more mature and extensive engagement on human rights issues than was previously the case with our three dialogue partners.

Australia's dialogues draw on the model developed initially with China, which consists of four inter-related elements:

- a formal set of talks between the official delegations;
- a program of site visits by the visiting delegation which enables each side to meet directly with human rights practitioners;
- representations on individual cases of concern;
- a Technical Cooperation program through which Australia works with partners on targeted activities designed to raise awareness of international human rights standards and improve human rights practices on the ground.

China

A bilateral human rights dialogue with China was first proposed by Prime Minister Howard when he met his then counterpart from China, Li Peng, during a visit to China in March-April 1997. The first round of the dialogue was held in August 1997 and involved only officials from the respective foreign ministries. The following year, when the dialogue was held in Australia for the first time, officials from other agencies from both Australia and China participated. The Australian delegation included officials from the Department of Foreign Affairs and Trade, the Attorney-General's Department, and the Australian Agency for International Development (AusAID), as well as a representative of the Human Rights and Equal Opportunity Commission (HREOC). Since 1999, the President of HREOC has attended the

dialogue. A Parliamentary representative joined the delegation for the first time in 1999.

Our dialogue with China is conducted at the level of Vice Minister/Deputy Secretary. The dialogue requires the use of interpreters.

We have held seven rounds of the dialogue with China to date:

- 11 to 14 August 1997 in Beijing
- 10 to 13 August 1998 in Canberra and Sydney
- 16 to 20 August 1999 in Beijing and Qinghai Province
- 13 to 18 August 2000 in Canberra and Sydney
- 29 October to 2 November 2001 in Beijing and Sichuan Province
- 12 to 14 August 2002 in Canberra and Sydney
- 28 July to 1 August 2003 in Beijing and Tibet

Issues covered by the dialogue include domestic, regional and international human rights issues. Among the issues Australia has raised with China are: restrictions on freedoms of assembly, association, expression and religion; the human rights situation in Tibet and Xinjiang, and the situation affecting other ethnic and religious groups within China including Falun Gong; the treatment of dissidents; legal reform; ratification of the International Covenants; the use of the death penalty; the use of torture and other degrading practices; and reports of coercion in implementation of China's family planning policies.

Further background information on the China dialogue can be found at http://www.dfat.gov.au/hr/achrd/aus_proc_dialogue.html.

Vietnam

A bilateral human rights dialogue with Vietnam was first considered in 1999. The Vietnamese Government agreed on a dialogue on international organisations and legal issues, including human rights. The Australian delegation to the dialogue includes officials from the Department of Foreign Affairs and Trade, the Attorney-General's Department, AusAID, and a HREOC representative. In both 2002 and 2003, the President of HREOC attended as part of the delegation. The dialogue is held at the First Assistant Secretary level and conducted in English. We have held two rounds of the dialogue to date:

- 27 to 28 May 2002 in Hanoi
- 27 June 2003 in Canberra, followed by a study tour in Sydney.

The third round is scheduled to take place in Hanoi on 24 June 2004.

Issues covered by the dialogue include: respective national approaches to human rights; cultural and religious diversity; judicial reform and approaches to criminal law; international organisations and legal issues; women and children; human rights technical cooperation; restrictions on the use of the internet; and the death penalty.

Further background information on the Vietnam dialogue can be found at http://www.dfat.gov.au/hr/dialogue_vietnam.html.

Iran

A possible dialogue on human rights was first discussed in 1999 during the visit to Tehran of the then Deputy Prime Minister and Minister for Trade, Mr Tim Fischer. The first round was held in Tehran from 8 to 9 December 2002. The Australian delegation to the dialogue included officials from the Department of Foreign Affairs and Trade, the Attorney-General's Department, AusAID and a HREOC representative. The dialogue was held at First Assistant Secretary level and conducted in English.

The dialogue covered a broad range of themes including: international human rights issues; our respective constitutional, judicial and legal systems; the position of minorities; freedom of expression; and the role of national human rights institutions.

Information on the Iran dialogue can be found at http://www.dfat.gov.au/hr/dialogue_iran.html.

PARLIAMENTARY PARTICIPATION AND OVERSIGHT

Since 1999, Parliamentary representatives have been included in Australia's delegation to the dialogue with China whenever possible. The following Parliamentarians have participated:

- 1999: Mr Peter Nugent MP
- 2000: Dr Andrew Southcott MP and Senator Vicki Bourne
- 2002: Senator Marise Payne and Mr Bernie Ripoll MP.

In 2001, the Minister for Foreign Affairs, the Hon Alexander Downer MP, invited the Hon Bruce Baird MP to join the Australian delegation to the China dialogue. Mr Baird was unable to accept. In 2003, Mr Downer invited Senator Payne to participate and invited the then Leader of the Opposition to nominate a participant. Neither was able to accept on that occasion. (In 2003 the dialogue was held at unusually short notice because the SARS crisis prevented firm arrangements being put in place any earlier.)

The Chinese delegations to the 1998 and 2000 rounds of the dialogue met the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT). At each of the three rounds of the dialogue held in Australia, the head of the Australian delegation hosted a reception to which Parliamentarians were invited.

No Parliamentary participation has yet been possible in our dialogues with Vietnam and Iran. Senator Payne was invited to participate in the 2004 dialogue with Vietnam, but was unable to attend.

The Department of Foreign Affairs and Trade routinely provides oral briefings on the dialogues to Parliamentary Committees and individual Parliamentarians as requested.

Mr Nugent prepared a written report to Parliament following his participation in the third round of the China dialogue in 1999.

INVOLVEMENT OF NON-GOVERNMENT ORGANISATIONS

The Government has mechanisms in place to ensure Australian delegations to human rights dialogue meetings are aware of the views and interests of NGOs. In advance of each round of dialogue, the Department of Foreign Affairs and Trade writes to interested NGOs seeking their input and suggestions for issues to be raised at the dialogue. The Government values the NGOs' responses, which are collated and provided to all members of the Australian delegation, and used to inform the briefing prepared for the delegation. NGO input has been particularly helpful in finalising the lists of individual cases discussed during each round of dialogue. NGOs are debriefed after a dialogue, privately if there is a particular request, or more generally as part of DFAT's biannual human rights NGO consultations.

NGO representatives have not been included in Australian delegations. However, to facilitate contact between NGOs and our dialogue partners, NGO representatives have been invited to attend the reception held during each of the three rounds of the China dialogue held in Australia. NGOs have not to date been involved in the same way in the dialogues with Vietnam and Iran.

THE ROLES AND OBLIGATIONS OF PARTICIPATING AGENCIES

Australia delegations to successive rounds of our bilateral dialogues have included officials from the Department of Foreign Affairs and Trade, the Attorney-General's Department, and AusAID. In preparing for dialogue meetings, the Department of Foreign Affairs and Trade has also consulted other agencies, as needed.

Department of Foreign Affairs and Trade

The Department of Foreign Affairs and Trade is the lead agency responsible for the bilateral human rights dialogue process. The Department is represented at dialogue meetings at senior levels and leads the Australian delegation.

The Department has responsibility for providing ongoing assessments of the human rights situations in dialogue partner countries. The Department also handles the organisational aspects of the dialogue meetings, including:

- negotiating timing and agendas with partners;
- negotiating site visits and field trips when partners host;
- administrative arrangements during dialogue meetings.
- consulting and liaising with AusAID, the Attorney-General's Department, HREOC and partners on technical cooperation activities;
- organising and coordinating Australian delegations;

- preparing briefing for the delegations;
- arranging field trips for visiting delegations when Australia hosts.

The Department also has responsibility for:

- liaising with Parliament and NGOs;
- compiling lists of individual cases of concern and making representations;
- making follow-up inquiries on these representations;
- reporting to the Foreign Minister on outcomes;
- monitoring progress of dialogue rounds and evaluating outcomes.

Attorney-General's Department

A representative from the Attorney-General's Department has been a member of the Australian delegation to each of the dialogues (with the exception of the first meeting of the Australia-China dialogue in 1997). The role of the Attorney-General's Department is to provide advice on human rights institutions, policies and legislation within Australia as well as other matters for which it has portfolio responsibility such as the justice system, Native Title and criminal justice. The Attorney-General's Department establishes informal networks with its counterparts in these countries to enable ongoing dialogue at officer level.

Domestic issues discussed at the dialogues that fall within the Attorney-General's Department's portfolio responsibility have included:

- judicial administration and reform;
- civil and political freedoms;
- criminal justice;
- domestic human rights protection;
- national human rights institutions;
- Native Title;
- implementation of the Convention on the Rights of the Child; and
- religious discrimination and vilification.

AusAID

AusAID plays a supporting role in relation to the human rights dialogues, mainly through the planning, management and funding of associated technical cooperation activities. In the case of China, this has developed into a significant component of the overall development program. In the case of Vietnam, engagement is more limited. AusAID has no bilateral development cooperation program with Iran but has in the past had minor engagement through the Human Rights Small Grants Scheme.

The central objective of the Australian aid program is:

To advance Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development.

In the Eighth Annual Statement to the Parliament on Australia's Development Cooperation Program, delivered in 1998, the Minister for Foreign Affairs, the Hon Alexander Downer MP, set out six key principles for promoting human rights through the development cooperation program. These included that:

- the development cooperation program will continue to undertake activities that directly address specific economic, cultural, civil and political rights. A particular emphasis will be on the creation of durable institutional capacity to promote and protect human rights; and
- the emphasis is on the practical and attainable. AusAID, as the manager of the Government's official development cooperation program, will pursue practical activities in support of human rights. These activities complement and build on high-level dialogue on human rights.

In the case of China, AusAID manages the Government's Human Rights Technical Cooperation Program (HRTC). The HRTC is integral to the dialogue process. It encourages, in a practical way, effective measures for promoting and protecting human rights - through knowledge sharing, capacity building and, importantly, building working-level linkages between national institutions and personnel concerned with the protection of human rights. The dialogues also provide the forum at which future directions for the HRTC, and proposed HRTC activities, are officially endorsed and agreed.

In the case of Vietnam, there has been only one activity specifically linked to the dialogue process to date – namely a study tour of relevant Australian institutions for Vietnamese officials who attended the 2003 dialogue in Canberra.

In addition to specific programs of technical cooperation linked to human rights dialogue processes, other development cooperation activities implemented by AusAID in Vietnam and China make significant contribution to the promotion and protection of human rights – for example through improved governance and the delivery of services to minority groups – and thereby complement the dialogue process.

Appendix A contains further information on relevant AusAID programs.

The Human Rights and Equal Opportunity Commission (HREOC)

HREOC is Australia's national human rights institution and is an independent statutory authority under the Attorney-General's portfolio. HREOC's participation is an important demonstration of the capacity for a national human rights institution to work with Government while maintaining the independence to comment publicly on Government actions where human rights issues arise. HREOC's participation also enables the dialogues to cover practical matters arising out of human rights issues, such as complaint handling processes.

In addition to being part of the delegation to the dialogues, HREOC has carried out technical cooperation activities with China, Vietnam and Iran, under agreements with AusAID.

ACTIVITIES UNDERTAKEN BY THE FEDERAL COURT

The Federal Court undertakes various activities under AusAID's HRTC Program in China. It is also involved in judicial development activities with the Supreme People's Court of Vietnam. Judicial exchange programs between the Federal Court of Australia and the Supreme People's Court of Vietnam involve judges of both Courts in discussing substantive legal issues, through a series of visits and workshops. The programs are funded by the Centre for Democratic Institutions. The Federal Court has hosted three visits in Sydney under the Program - in 2000, 2001 and November 2002.

REPORTING REQUIREMENTS AND MECHANISMS

There are no formal reporting requirements established under the bilateral dialogues. The Government has mechanisms in place (see Involvement of NGOs above) to ensure the content of the dialogue is current and reflects the Australian community's concerns about human rights in the countries concerned.

The Department of Foreign Affairs and Trade reports to the Minister for Foreign Affairs on the outcomes of each dialogue. The Department regularly provides oral briefings on the three dialogues to Parliamentary Committees and individual Parliamentarians as requested. The Department also hosts regular NGO consultations which provide an opportunity for debriefing on the bilateral dialogues.

MONITORING AND EVALUATION OF OUTCOMES

Australia's three bilateral dialogues are an integral part of our broader engagement with dialogue partner countries on human rights issues. In respect of each our dialogue partners, we take opportunities throughout the year to make representations on a range of human rights issues and individual cases. The dialogues complement these processes. Monitoring and evaluation of the dialogues therefore takes place in the context of our assessment of our broader engagement with dialogue partner countries on human rights issues.

The measures used to monitor and evaluate the dialogues include progress in individual cases of concern and improvements in the general human rights situation in the respective country, including in the areas discussed in the dialogues. Assessing the direct impact of the dialogues on these developments is difficult, and we are realistic about the significance of the dialogues, in and of themselves, as levers for

fundamental or rapid change. The process of change is generally incremental, and is the result of a range of contributing factors, of which our bilateral dialogues are one. They play a role in contributing to change through their awareness-raising, information exchange and technical assistance functions.

The willingness of our dialogue partners to engage in discussion of human rights issues is in itself a positive development. In addition to providing a further avenue to raise specific human rights concerns, the dialogues provide a formal mechanism for exchanging views and experiences and for identifying areas where Australia can assist dialogue partners in their implementation of international human rights standards. The talks and our technical programs thereby provide an important opening to influence and promote change. In this respect, a further significance of the dialogues is that they provide an opportunity to engage officials from a range of ministries – not just foreign ministries. Importantly, they enable engagement of the practitioners – for example prison administrators, women’s and legal aid activities, judges and religious officials – in direct discussion of human rights issues.

China

Since its establishment in 1997, the Australia-China human rights dialogue has provided a forum for raising human rights issues with China frankly and constructively. The Government is realistic about the nature of the issues and what is achievable, but is also committed where it can to influence and encourage China to improve its human rights practices.

Many of the goals we seek to achieve are long term. We monitor outcomes on the individual human rights cases raised at the dialogue, as well as progress in the dialogue itself. The majority of tangible outcomes are seen through the Human Rights Technical Cooperation Program (HRTC) which underpins the dialogue process. See Appendix A for details of these outcomes.

One of the major advances of the dialogue is the readiness with which the Chinese Government now engages in discussion of human rights issues. We have encouraged China, and in some cases provided practical assistance, in areas where it is attempting to reform. This applies particularly in the area of legal reform.

Each year, Australia presents China with a list of individual cases of concern. Representations on individual cases are made not only during the dialogue but throughout the year, primarily through the Australian Embassy in Beijing. This includes follow-up enquiries about individuals already on the list, or representations about individuals not on the list, taking into account information provided by NGOs and the Australian public.

Reports from released prisoners and from NGOs suggest that prisoners who are the subject of international attention, including representations by national governments, are likely to receive better treatment than might otherwise be the case. Reports also suggest such individuals are also more likely to be granted sentence reductions or parole than those individuals whose cases remain unknown.

As a measure of increasing openness, last year's dialogue held in Beijing was followed, for the first time, by a joint press conference by the respective heads of delegation, with questions from both Chinese and Western journalists. The greater number of Chinese agencies which are actively involved in the dialogue, and the fact that China asks questions about Australia's human rights policies, are a further indication of the deepening level of engagement and interaction.

A further indication of the gradual progress of the dialogue is the increasing opportunities being provided to visit different areas of China to raise specific human rights issues with local authorities. Having previously visited Qinghai (1999) and Sichuan (2001) provinces, in 2003 the Australian delegation was able to raise human rights concerns directly with senior local authorities in Tibet. This was the first officially-recognised human rights delegation visit to Tibet.

The HRTC program provides a practical underpinning to the dialogue. Managed overall by AusAID, HRTC activities are planned and implemented by HREOC jointly with cooperating Chinese organisations. The program seeks practical ways of promoting and protecting human rights including through training, capacity building and institutional linkages. HRTC outcomes are monitored regularly through visits to China, review and planning missions and feedback from both Australian and Chinese participants.

The HRTC program aims to assist in systemic reforms over the long term, encouraging shifts in values and behaviour, and raising awareness. Outcomes result from individual activities, such as helping address women's rights and family violence in ethnic minority areas; training prison officers to advance protection of prisoner's rights; and pursuing better protection of human rights by addressing prosecution procedures and practices, and the rules of criminal evidence.

Specific outcomes of the HRTC program (detailed at Appendix A) include:

- the promulgation of regulations in Qinghai Province prohibiting domestic violence;
- establishment of a domestic violence hotline, incorporated directly into other hotlines run by the Public Security Bureau;
- introduction of 'Know your Rights' information pamphlets for distribution to people in police custody;
- input into policy formulation and the drafting of proposals for a Chinese Criminal Evidence Law;
- introduction of a procedure to enhance the integrity and efficiency of the exercise of the discretion to prosecute, drawn from an Australian model; and
- cooperation relating to the protection of detainees and prisoners from abuse.

A workshop was funded under the HRTC program on states' reporting requirements under the International Covenant on Economic, Social and Cultural Rights (ICESCR). China subsequently submitted its first report under ICESCR.

Vietnam

Although only into its third year, Australia's bilateral dialogue with Vietnam is beginning to pay some dividends. The two rounds of the dialogue held to date have enabled direct engagement of the full range of Ministries involved with human rights related issues – including the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Public Security and the Supreme People's Court – thereby raising their awareness of the issues concerned.

A positive development has been the level of interest the dialogues have generated among Vietnamese agencies in human rights issues and practices. This has particularly been the case in relation to the involvement of HREOC, which has sparked interest in Vietnam in the issue of national human rights institutions.

The second dialogue was followed by a six day study program, hosted by HREOC, for relevant Vietnamese officials. The study program generated significant interest in Vietnam, particularly in the field of prison management, which is an area for potential further information exchange. It has also opened the possibility of requesting a reciprocal study visit for Australian delegates following the next dialogue, to expand further our contacts and knowledge of the human rights situation and outlook.

Since the establishment of the dialogue there has been a notable increase in Vietnamese interest in Australia's experiences relating to ethnic minority (especially indigenous) policies, administrative procedures, judicial reform and methodology and detention facility management. A number of self-funded study visits to Australia, including visits by Vietnam's Chief Justice and the Supreme People's Procuracy (ie. Public Prosecutors), have also been initiated. An important Vietnamese-led initiative is a proposed study visit by officials from the Central Highlands to Australia to research policies and practices concerning ethnic, immigrant and indigenous issues.

On individual cases of concern, the Australian Embassy in Hanoi maintains two lists which are passed to Vietnamese officials in the lead-up to the dialogue and whenever bilateral representations are made. These lists detail cases of concern to the Australian Government, one for those individuals who are imprisoned, and the other for those under house arrest. During the last dialogue we were informed that some persons on the latter list now had full freedom of movement. Raising these cases on a regular basis, and taking an interest in judicial processes in Vietnam, encourages the Vietnamese Government to implement further reform.

Iran

As Australia's dialogue with Iran is in its early stages – only one round of the dialogue has been held to date – it is not yet possible to assess its impact. Progress is expected to be incremental. As was the case in respect of the other two dialogues, the establishment of the dialogue, and the creation of a forum for constructive discussion of human rights issues, is in itself an advance on previous levels of engagement on these issues.

In addition to providing a further avenue to raise specific human rights concerns – complementing representations made throughout the year – the dialogue provides a forum for exchanging views and experiences and identifying areas where Australia

might be able to provide assistance to help promote implementation of international human rights standards.

The Australian delegation to the inaugural dialogue included government representatives and a Federal Court Judge as well as HREOC representatives. The Iranian delegation included officials from the Foreign Ministry and Justice Ministry, as well as representatives of the judiciary, the Islamic Human Rights Commission, and academics.

The first round of the dialogue enabled a good exchange of views on constitutional and judicial issues and the rule of law. It also enabled us to raise both thematic and individual concerns about human rights issues in Iran with a senior member of the Iranian judiciary. These included the position of religious minorities, such as the Baha'is and Jews, freedom of the press, women's rights, and individuals who had been imprisoned for exercising their human rights.

Following the first round of the dialogue, in August 2003 Australia funded a visit to HREOC by a delegation from the Islamic Human Rights Commission (IHRC) of Iran. The visit enabled the IHRC to identify areas in which Australian expertise might usefully contribute to its priorities in promoting and protecting human rights.

APPENDIX A

AusAID's Bilateral Programs

CHINA

Human Rights Technical Cooperation Program (HRTC)

The HRTC commenced from late 1997 and has continued, with progressive enlargement of the portfolio, to the present. As of May 2004, total HRTC expenditure is approximately \$5.9 million. Table 1 provides details of HRTC activities to date.

HRTC activities are planned and implemented by the Human Rights and Equal Opportunity Commission (HREOC) jointly with cooperating Chinese organisations, in accordance with a Record of Understanding (ROU) between HREOC and the Australian Government (represented by AusAID). HREOC also contracts independent experts to assist in activity implementation.

Cooperating Chinese organisations, to date, include the Ministry of Foreign Affairs (the lead counterpart organisation), the Supreme People's Procuratorate, the Supreme People's Court, the National Judges College, the State Ethnic Affairs Commission, the Ministry of Justice, the Ministry of Public Security, the Chinese Academy of Social Sciences, the All-China Women's Federation, and the United Nations Association of China.

VIETNAM

AusAID supported the 2003 dialogue through arranging the funding and management by HREOC of a study program for the Vietnamese delegation. The purpose of the visit was to examine Australian systems for protection of human rights and to consider possibilities for a longer-term program of technical cooperation.

AusAID activities have contributed to Vietnam's understanding of international human rights law, and complemented the dialogue process. The most significant activities have been the two phases of assistance to the Vietnam Research Centre for Human Rights at the Ho Chi Minh National Political Academy, Vietnam's pre-eminent training school for senior government officials. Details of these activities are provided below. A third phase is currently under consideration by both governments.

Ho Chi Minh National Political Academy (HCMNPA) – Vietnam Centre for Human Rights Research (VCHRR) – Phase 1

Duration: Jan 2000 to Oct 2001 (21 months)

Value: \$315,000

Implemented by: Centre for Asia Pacific Law, University of Sydney (CAPLUS)

Ho Chi Minh National Political Academy (HCMNPA) – Vietnam Centre for Human Rights Research – Phase 2

Duration: Nov 2000 to June 2002 (20 months)

Value: \$295,000

Implemented by: Centre for Asia Pacific Law, University of Sydney (CAPLUS) and Human Rights and Equal Opportunity Commission (HREOC)

An activity aimed at helping the Supreme People's Court develop a bench-book for Vietnamese judges (with associated training in its use) is about to commence, and is expected to help strengthen judicial independence and increase the transparency of courts. Together with the United Nations Development Programme, AusAID also provided assistance for a conference in mid-2002 on strengthening the capacity of the National Assembly, which is Vietnam's parliamentary equivalent.

In addition to the bilateral programs, AusAID supports two cross-regional programs with strong relevance to the human rights agenda, including the dialogues: the Centre for Democratic Institutions; and the Human Rights Small Grants Scheme.

Centre for Democratic Institutions

The Centre for Democratic Institutions (CDI), funded by AusAID, provides assistance in the development and strengthening of democratic institutions, such as parliament and court systems, in developing countries. CDI works mainly in the judicial and parliamentary process sectors, with human rights and accountability being cross cutting themes across the suite of CDI activities.

CDI has been active in Vietnam since 1999. Past projects have concentrated on judicial study tours designed to encourage best practice in judicial proceedings and promote the application of the rule of law in Vietnam, as well as hosting a study tour from the National Assembly. CDI recently conducted a link-up between parliamentary broadcasters in Australia and Vietnam that involved robust discussion on how best to achieve maximum public impact from the dissemination of parliamentary proceedings.

In 2003, CDI hosted a visiting delegation from the China Foundation for Human Rights Development. The role of civil society was the focus of discussions, in particular managing the relationships between government and non-government organisations.

Human Rights Small Grants Scheme

The Human Rights Small Grants Scheme (HRSGS) is administered by AusAID in consultation with the Department of Foreign Affairs and Trade. It supports small-scale activities to promote and protect human rights in developing countries in the Asia Pacific region. Successful proposals are selected on the basis of potential human rights benefits and how well projects fit within the Scheme's objective of strengthening domestic capacities to promote and protect human rights. By using a capacity-building approach, partnering with established community organisations and utilising existing structures, the benefits gained through the HRSGS can be more easily sustained. The focus on practical, locally relevant and achievable projects also adds to the tangible results of the HRSGS. Further details are included in Table 2.

- **Monitoring and evaluation of outcomes of technical cooperation programs**

In the case of both China and Vietnam, the main aim of human rights-related technical cooperation activities has been to build constructive relationships upon which increasingly substantial interactions could be based. The evidence is that counterparts have been willing to extend and expand the respective programs. This is a strong indication that this aim has so far been achieved. Further detail on the individual country programs follows.

CHINA

HRTC outcomes have been monitored and evaluated through several mechanisms:

- regular monitoring visits to China by HREOC;
- annual Program Review and Planning Missions, involving HREOC and external experts;
- feedback from Australian and Chinese participants in individual HRTC activities.

The primary impact of HRTC has been the establishment of confidence in the program as a vehicle to carry forward the policy objectives of the Australian Government and the human rights development objectives of the Chinese Government. This has entailed the development of cooperative relationships with key Chinese agencies.

As of May 2004, 40 activities have been implemented under the HRTC, many of these activities occurring in multiple stages over several years of the program. Table 1 includes a summary of impact against each activity. For example:

- the HRTC has helped address women's rights and family violence in ethnic minority areas, through cooperation with the All-China Women's Federation (ACWF), through the conduct of a series of workshops;
- the HRTC has, with the Ministry of Justice (MOJ), trained prison officers, to advance systemic improvements in the administration and protection of the human rights of prisoners;
- the HRTC has, together with the Supreme People's Procuratorate, pursued improvements in the direct, operational protection of human rights affected by prosecution procedures and practices, and the rules of criminal evidence – significant issues of law reform affecting Chinese criminal justice procedure generally.
- HRTC activities have addressed core civil and political rights of women and children, ethnic minority groups, prisoners and persons accused of crime, and catalysed several specific impacts:
 - the promulgation of regulations in Qinghai Province implementing the Revised Marriage Law, prohibiting domestic violence;

- the establishment of a domestic violence hotline, incorporated directly into other hotlines run by the Public Security Bureau;
- the introduction of ‘Know your Rights’ information pamphlets for distribution to people in police custody;
- input into policy formulation and the drafting of proposals for a Chinese Criminal Evidence Law;
- the establishment of institutional linkages: the Central Educational Institute for Prison Officers with the NSW Corrective Services Academy; and the Sichuan People’s Procuratorate with the Office of the Director of Public Prosecutions, NSW;
- the introduction of a procedure to enhance the integrity and efficiency of the exercise of the discretion to prosecute, drawn from an Australian model; and
- the initiation of cooperation relating to the protection of detainees and prisoners from abuse.

VIETNAM

Monitoring of outcomes has been based on reporting by the implementing agencies and informal discussions with the participants. The outcomes of the two major relevant activities, both with the Vietnam Research Centre for Human Rights (VRCHR) at the Ho Chi Minh National Political Academy (HCMNPA), are as follows.

Phase 1 of assistance to the VCCHR allowed for the introduction of Human Rights and International Law issues to HCMNPA academics and relevant Vietnamese government officials, and closer familiarisation for ten members of HCMNPA with Australian Human Rights institutions and policies. In addition, a basic library of international Human Rights materials was made available to all researchers and teachers in Vietnam.

The key outcomes of Phase 2 included:

- five senior academics and researchers were familiarised with Human Rights protection systems of countries in Asia-Pacific;
- 1000 pages of English language text on Human Rights, from 45 articles and chapters from books are now available in Vietnamese as training texts in Hanoi and provinces;
- 30 Vietnamese officials were exposed to the findings of the research program through a workshop in Hanoi;
- a 550 page volume of presented papers was made available to all 30 workshop participants; and
- publication of a 700 page text, in English and Vietnamese, entitled “Human rights: theory and practice in Vietnam and Australia” (Hanoi 2004).

As noted earlier, the VRCHR has requested a third phase of assistance, which is currently under consideration by both governments.

Table 1
China-Australia Human Rights Technical Cooperation Program (HRTC)
HRTC Activities 1997-2004 - Summary of Impacts

Activity	Agencies	Date	Capacity-Building and other Impacts
Civil Society Seminar	Ministry of Foreign Affairs (MFA), China National C'tee on Aging, All-China Youth Federation, China Disabled Persons' Federation, All-China Women's Federation (ACWF), Chinese Academy of Social Sciences (CASS)	September 1999	Foundation laid for institutional strengthening of six Chinese agencies in that fifteen key officials obtained general awareness of Australian concepts of civil society and human rights principles. Introductory links created with organisations of eight Australian experts.
Human Rights Reporting Training	MFA, Min. of Labor & Social Security, Min. of Justice (MOJ), Min. of Public Security (MPS), C'tee of Legislative Affairs NPC Stand C'tee, Supreme People's Procuratorate (SPP), Legal Affairs Office of the State Council, Min. of Education, ACWF, CASS, All-China Fed. Of Trade Unions	November 1999	Foundation laid for institutional strengthening of eleven Chinese agencies in that approximately twenty key officials obtained a general overview of Australian structures and processes regarding reporting for both international human rights covenants. Introductory links created with organisations of two Australian experts.
Human Rights Reporting Tr. Visit	MFA, MPS, SPP, State Family Planning Commission (SFPC), State Ethnic Affairs Commission (SEAC), Office of Foreign Affairs C'tee NPC, MoJ.	May 2000	Institutional strengthening of seven Chinese agencies, in that ten key officials obtained greater awareness of Australian structures and processes and some detailed practical knowledge regarding reporting for both international human rights covenants. Introductory links created with six Australian organizations.
Long Term Study Awards	MFA	1998/1999, 1999/2000, 2000/2001, 2001/2002 2002/2003	Institutional strengthening of Ministry of Foreign Affairs, in that eight highly talented young officials have obtained detailed knowledge relevant to legal aspects of human rights. On return, those who have so far completed studies, have been used by MFA in substantial key roles relevant to human rights. MoJ have been promoted. Strong links created with Australian academic and human rights organisations.

Activity	Agencies	Date	Capacity-Building and other Impacts
Small Activities	MFA (and Min of Education)	1998/1999, 1999/2000, 2000/2001, 2002/2003 2003/2004	As expression of Chinese view of the importance of economic, social and cultural rights, renovations conducted on school buildings in remote Western province. Local communities have expressed their gratitude to Australia for this educational opportunity for students from disadvantaged areas. These small activities are administered by Australian Embassy.
Academic Material	Chinese Academy of Social Sciences (CASS)	1998/1999	Approximately 100 books on human rights placed in CASS library. These are informing research and publications of this agency which has close links and influence with Chinese legislature.
Mass Communication on Law	CASS	In progress since 1998	In progress. Translation and publication of four Australian/Western books on mass communication law and human rights.
SPP Study Visit	Supreme People's Procurate (SPP)	1998/1999	Foundation laid for institutional strengthening of Supreme People's Procuratorate in that key officials obtained general awareness of Australian concepts of rules of evidence and prosecution principles and practice and associated human rights principles. Introductory links created with twelve Australian organisations.
Criminal Procedure Workshop	SPP	June 2000	Institutional strengthening of Supreme People's Procuratorate in that 30 key provincial and municipal officials obtained greater awareness of Australian law and legal processes and some detailed legal knowledge regarding Australian rules of evidence, and roles of prosecution, defence and judiciary, especially those which protect the rights of the accused. Links created with five Australian organizations.
Criminal Procedure Design Visit	SPP	March 2001	Institutional strengthening of Supreme People's Procuratorate in that six key officials obtained greater awareness of Australian law and legal processes and some detailed legal knowledge regarding Australian rules of evidence, and adversarial common law system especially aspects which protect the rights of the accused. Links created with seven Australian organizations. Three follow-up workshops designed.
Public Prosecution Workshop	SPP	June 2002	Institutional strengthening of SPP in that 100 procurators obtained a greater awareness of the protection of the rights of the accused in the course on the investigation and prosecution of criminal offences. The capacity of the SPP to formulate and implement reform programs

Activity	Agencies	Date	Capacity-Building and other Impacts
Senior Procurators' Visit	SPP	November 2003	<p>and to conduct further training was strengthened. Links between Australian and Chinese organizations were further strengthened.</p> <p>Institutional strengthening of SPP in that the newly appointed Deputy Procurator-General and six other officials were provided with knowledge of Australian approaches to criminal law reform and protection of human rights with a view to identifying opportunities for a more comprehensive program of cooperation. Further strengthening of links with Australian criminal justice and law reform agencies.</p>
Workshop on Human Rights protection of Prisoners and Detainees	SPP, Ministry of Justice, Ministry of Public Security	May 2004	<p>Institutional strengthening of SPP, MOJ and MPS in that 70 officials acquired knowledge of Australian structures, practices and procedures for protection of the human rights of prisoners and people detained in custody awaiting trial. Capacity building for SPP in its role of supervising (as opposed to direct administration) of the correctional system. Strengthening of links with Australian correctional authorities and other legal agencies.</p>
SPC Study Visit	Supreme People's Court (SPC)	1998/1999	<p>Foundation laid for institutional strengthening of Supreme People's Court in that five key officials obtained general awareness of Australian concepts of rules of evidence and judicial principles and practice and associated human rights principles. Introductory links created with twelve Australian organisations.</p>
Judicial Study	SPC	June 2000	<p>Institutional strengthening of Supreme People's Court in that five key judges obtained greater awareness of Australian judicial and court processes and some detailed knowledge, especially concerning judicial independence and trial procedures. Links created with five Australian organizations.</p>
Rules of Evidence Design Visit	SPC	March 2002	<p>Identification of further needs of SPC in this area and matching of these to Australian expertise and experience.</p>
Rules of Evidence Design Visit	SPC	June 2003	<p>Institutional strengthening of Supreme People's Court, in particular the capacity of the SPC to contribute to the formation of legislation and policy relating to the rules of evidence. Introductory links developed between Chinese and Australian organizations. Follow-up workshop designed.</p>

Activity	Agencies	Date	Capacity-Building and other Impacts
Judicial Procedures for Minor criminal Offences and Sentencing Options Design Visit	SPC	April 2004	Institutional strengthening of SPC through provision of seven senior judges and one official with knowledge of Australian judicial procedures for disposal of minor criminal offences at local court level and the non-custodial sentencing options available at that level. Capacity building of SPC to contribute to current PRC reforms aimed at protecting the rights of defendants, including increasing the range of non-custodial sentencing options available to judges. Strengthening of links with relevant Australian organisations.
Police Ethics Design Visit	Ministry of Public Security (SPC)	December 2000	Foundation laid for institutional strengthening of Ministry of Public Security in that six key officials obtained general awareness of Australian police ethics principles and practices and associated human rights principles. Introductory links created with six Australian organizations. Follow-up workshop designed.
Police Ethics Workshop	MPS	May 2001	Institutional strengthening of Ministry of Public Security, in that thirty key officials obtained greater awareness and some detailed knowledge of Australian police ethics principles and practices and associated human rights issues and some detailed knowledge regarding Australian ethics accountability principles and complaints procedures. Links created with three Australian organizations.
Correction Reform Visit	Ministry of Justice (MOJ)	April 2000	Foundation laid for institutional strengthening of Ministry of Justice in that twelve key Corrections officials obtained general awareness of Australian correction principles and practices and associated human rights principles Introductory links created with organisations of eight Australian experts. Follow-up workshop designed.
Prison Officer Training Design	MOJ	March 2002	Foundation laid for institutional strengthening of Ministry of Justice in that eight key Corrections officials obtained general awareness of Australian correction principles and practices and associated human rights principles Introductory links created with two Australian organizations (strongly with NSW Correction Service Academy). Follow-up workshop designed.
Prison Officer	MOJ	May 2002	Institutional strengthening of Ministry of Justice and Bao Ding Institute and provincial and local prison organizations in that 219 key prison officials and Institute lecturing staff

Activity	Agencies	Date	Capacity-Building and other Impacts
Training			obtained general awareness of Australian and Chinese best practice principles and practices related prison management from a human rights perspective. Links with NSW Correction Service Academy reinforced. Resulting curriculum change at Institute. Demand generated for HRTC involvement in comprehensive multi-level national training.
Prison Police Officer Training Design Visit	MOJ	March 2003	Institutional strengthening of Ministry of Justice, of Bao Ding Institute and of Bureau of Re-education Through Labour. The activity further explored areas of interest identified during earlier activities and strengthened linkages between Australian and Chinese organizations.
Legal Aid Inception and Legal Aid Design	MOJ	May, 2001 / August 2001	Following needs identification in inception visit, foundation laid for institutional strengthening of Ministry of Justice in that seven key legal aid officials obtained general awareness of NSW principles and practices of legal aid and associated human rights principles. Introductory links created with one key Australian agency and contact made with sixteen others. Follow-up workshop designed.
Public Awareness and Education on Law and Human Rights Visit	MOJ	March – April 2004	Capacity building of MOJ through familiarization of eight key officials with Australian programs and strategies for conducting education and awareness raising on law and human rights. Links established with nine Australian organisations.
Womens Legal Training Design	All-China Women's Federation (ACWF)	January 2000	Foundation laid for institutional strengthening of ACWF in that six key Women's Federation officials obtained general awareness of Australian principles and practices and associated human rights issues related to women's rights, especially as related to domestic violence. Introductory links created with seven Australian organisations. Follow-up provincial workshop designed.
Women's Legal Training Workshop (Domestic Violence)	ACWF, MPS, SPC, SPP	February 2000	Institutional strengthening of provincial and local women's and judicial organizations in that fifty key provincial officials obtained general awareness of Australian and Chinese best practice principles and practices related to local cooperation of judicial and women's agencies against domestic violence, as well as some specific knowledge. Introductory links created with four Australian organisations.
Minority Family Violence	ACWF	December 2000	Institutional strengthening of ACWF in that four key Women's Federation officials obtained general awareness of Australian principles and practices and associated human rights issues related to domestic violence and minority groups, as well as some specific

Activity	Agencies	Date	Capacity-Building and other Impacts
Design			knowledge on Australian experience. Introductory links created with seven Australian organisations. Follow-up provincial workshop in Qindao designed.
Minority Family Violence Workshop (first of multi-stage activity)	ACWF and local women's federations, judicial and law enforcement agencies in Qindao	May 2001	Institutional strengthening of provincial and local women's and judicial organizations in that forty key officials obtained general awareness of Australian and Chinese best practice principles and practices related to domestic violence and minority groups, as well as some specific knowledge. Introductory links created with seven Australian organizations. Informal reports of influence on provincial family law in Qindao and possibly elsewhere. Report of changed police practices in responding to hotline calls and establishment of court forensic unit (medical examination and testimony concerning victims).
Anti-Trafficking Seminar (first of multi-stage activity)	ACWF and local women's federations, judicial and law enforcement agencies in Guizhou and Sichuan Provinces	May 2002	Institutional strengthening of provincial and local women's, community, academic and judicial organizations in that 60 participants, including key provincial officials and community participants from two provinces obtained general awareness of Australian and Chinese best practice principles and practices related to local cooperation of judicial and women's and other agencies against trafficking, as well as some specific knowledge. Links reinforced with Australian organisations. Video and photographic record produced.
County Level Training in Anti-Trafficking	ACWF and local women's federations, judicial and law enforcement agencies in Guizhou and Sichuan Provinces	March – April 2003	Capacity building of ACWF and of provincial and local women's federations, community, academic and judicial organizations. The development of practical strategies to combat trafficking. Links reinforced with Australian organisations. Baseline surveys completed. Publicity and promotional material produced and distributed. Report produced and distributed and lessons learned disseminated.
Township Level Training in Anti-Trafficking	ACWF and local women's federations, judicial and law enforcement agencies in Guizhou and Sichuan Provinces	September 2003	Capacity building and skills development for 80 township and village level workers in practical measures to raise awareness of trafficking issues and combat trafficking of women and children. The activity helped entrench knowledge gained in previous anti-trafficking workshops at a more local level and among a wider range of officials. Formulation of longer term proposals for local anti-trafficking action.
Anti-Trafficking Regional Study Tour	ACWF and local women's federations, labor market and judicial agencies in Guizhou and Sichuan Provinces	March-April 2004	Institutional strengthening of ACWF and other agencies central to anti-trafficking efforts to exposure to regional expertise (Australia, Thailand, Vietnam), including some new techniques that may be applied to Chinese circumstances. Formation of linkages between Chinese officials and Thai and Vietnamese officials and NGOs and international organisations working in the sector.

Activity	Agencies	Date	Capacity-Building and other Impacts
Judicial Lectures	National Judges College (NJC)	1997/1998, 1998/1999, 1999/2000, 2001/2002 2002/2003	Institutional strengthening of Supreme People's Court and judiciary in that several hundred judges, and court officials have obtained increasingly greater awareness of Australian law and judicial practice and associated human rights principles. Links created and reinforced with Australian judicial organisations, including the High Court of Australia and NSW Supreme Court. Some potential also for impact on legislative drafting. Code of judicial ethics linked to 2001 activity.
Judges Training Design Visit	NJC	March 2002	Identification of further needs of Chinese judicial training and of NJC in this area and matching of these to Australian expertise and experience. Design produced for training activity in stating reasons for judgements.
Minorities National Issues Symposium	State Ethnic Affairs Commission (SEAC)	June 2000	Foundation laid for institutional strengthening of provincial and local ethnic and minority organizations in that 47 key provincial and local officials obtained general awareness of Australian and Chinese shared problems and solutions Introductory links created with five Australian organizations.
Minority Affairs Design Visit	SEAC	March 2002	Identification of further needs of SEAC and potential activities to further human rights for ethnic minorities in China and matching of these to Australian expertise and experience. Outline design produced for visit in area of human rights and the provision of education for indigenous people and ethnic minorities.
Minorities Education Visit	SEAC	February – March 2003	Officials become familiar with Australian approaches to policy development on delivery of education to minority groups. Draft activity design produced. Reports produced and distributed. Linkages between Chinese and Australian organizations developed.
Model UN Design Visit	United Nations Association of China	February 2004	Institutional strengthening of UNA China in that two senior officials obtained an awareness of the work of Australian NGOs concerned with promotion of the human rights objectives of the UN. UNA China gained further skills and knowledge in Model UNs as a tool for education on human rights standards and processes. Links established with nine Australian organisations.

Table 2
HUMAN RIGHTS SMALL GRANTS SCHEME *

VIETNAM					
<i>Year of selection</i>	<i>Activity</i>	<i>Organisation</i>	<i>Amount AUD</i>	<i>Key Outcomes</i>	
2003-04 (Current)	Legal support for children in difficult situations in HoChi Minh City	Youth Social Work Centre HCMC	43,000	N/a (still underway)	
2002-03 (Current)	Supporting for the rehabilitation of trafficked women in the northern border area	Centre for Reproductive and Family Health	44,000	N/a (still underway)	
2001-02	Tackling Domestic Violence: adapting guidance material for rural communities	Population Council	45,000	Production of 300 train the trainer manuals on the prevention of domestic violence against women; dissemination of 2,500 booklets on prevention of domestic violence against women to vulnerable groups; distribution of 2,000 leaflets and 450 posters on Sex and gender in Hmong language; training for 70 commune leaders from 10 communes (40% men); awareness raising discussion groups on domestic violence against women with 4005 people attending through women's group meetings, club activities etc.	
2001-02	Enhancing democracy and awareness of political and civil rights	Centre for Legal Research and Services	34,000	674 people trained at grassroots level, including village heads, commune officials and members of the women's union; and 35,000 legal information pamphlets distributed to citizens containing information on various laws. These materials were used in commercial broadcasting to encourage a wider spread of the information. Evaluations of this project indicate that villagers are now more confident in exercising their rights with local authorities. Local officials are also more aware of what rights citizens have, and how they re supposed to behave.	
1999-2000	Prevention of violence against women	Centre for Education Promotion and Empowerment for women	26,096	Details not available.	

IRAN				
<i>Year of selection</i>	<i>Activity</i>	<i>Organisation</i>	<i>Amount AUD</i>	<i>Key Outcomes</i>
2000-01	Develop human / legal rights training manual and advocacy strategy aimed at women and children.	Population Council	12,762	This project resulted in materials for ongoing use by community based organisations.
1999-00	Legal rights and advocacy strategies	Population Council	7,914	Not known
1998-99	Establish women and children's Centre, and conduct workshops on the rights of the child	UNICEF	17,584	Not known
1998-99	Support a women's rights legal advisory centre	UNDP	10,006	Not known

* Details are provided here only for those activities that have been funded in countries where Australia has conducted Human Rights Dialogues. To date, no such small grants projects have been carried out in **China**.