

Complementary human rights advocacy

- 8.1 Several organisations and individuals that provided evidence for this inquiry called for Australia to take a multifaceted approach to its human rights advocacy both bilaterally and multilaterally, in private and in public.
- 8.2 The Australia Tibet Council (the Council) advised that it supports ‘the continuation of the human rights dialogue as one component of a multifaceted approach by the Australian government to promoting human rights.’¹
- 8.3 The Council added:
- The dialogue process may be a part of these strategies, but must not be an obstacle to pursuing other courses of action.²
- 8.4 The Australian Council for International Development (ACFID) stated that it was ‘very keen to see... that human rights are fully integrated into Australian foreign policy so that every avenue is used to promote and protect human rights.’³
- 8.5 The Australian Baha’i Community advised that it was important to see the dialogues as part of a suite of tools, stating:
- Broadly, the Australian Baha’i community supports the human rights dialogue process as a tool to be used alongside others in promoting the protection of human rights around the world. We

1 Ms Kyinzom, Australia Tibet Council, *Transcript*, 5 September 2011, p. 2.

2 Ms Kyinzom, Australia Tibet Council, *Transcript*, 5 September 2011, p. 2.

3 Ms Scrine, Australian Council for International Development, *Transcript*, 11 October 2011, p. 8.

believe that it is important to view the dialogues as part of a suite of tools available to the government.⁴

- 8.6 The Australian Human Rights Commission (the Commission) held a similar view to the Baha'i Community, stating:

I think that there is a wide variety of tools at the disposal of the Australian government and community to pursue human rights in China and Vietnam through bilateral, regional, multilateral fora. There are all sorts of ways of making representations, and I think we should continue to pursue a wide menu of options.⁵

- 8.7 The Unified Vietnamese Buddhist Congregation of Australia and New Zealand (UVBC) suggested that the Department of Foreign Affairs and Trade (DFAT) work through other mechanisms:

...including of course the UN and the UN Human Rights Council – even cooperating with other countries that have a similar level of concern to help the situation – rather than by ourselves and by putting dialogue as an end in itself.⁶

- 8.8 Civil Liberties Australia (CLA) supported 'the option of pursuing UN resolutions on human rights or the use of other mechanisms.'⁷

- 8.9 The Australian Council of Trade Unions (ACTU) called for alternative ways to promote human rights in our region, stating:

We continue to emphasise the importance of the Australian Government promoting respect for human rights through all available avenues, including multilateral human rights processes.⁸

- 8.10 The Vietnam Committee on Human Rights (VCHR) also held the view that the dialogues form part of an overall strategy, stating:

The Human Rights Dialogue can only achieve results if it is part of an overall strategy that includes political pressure and public scrutiny at every level.⁹

4 Dr Mobini, Australian Baha'i Community, *Transcript*, 20 September 2011, p. 2.

5 Mr Robinson, Australian Human Rights Commission, *Transcript*, 1 February 2012, p. 4.

6 Most Venerable Thich Quang Ba, Unified Vietnamese Buddhist Congregation of Australia and New Zealand, *Transcript*, 1 February 2012, p. 25.

7 Civil Liberties Australia, *Submission no. 1*, p. 2.

8 Australian Council of Trade Unions, *Submission No. 13*, p. 2.

9 Vietnam Committee on Human Rights, *Submission no. 19*, p. 5.

- 8.11 The NSW Falun Dafa Association (FDA) commented that ‘alternative human rights mechanisms may take many forms from formal to informal, from multi-lateral to bilateral.’¹⁰
- 8.12 When questioned whether the Australian Government should enhance the dialogues or choose alternative measures, Ms Dao advised that they could be done concurrently.¹¹
- 8.13 DFAT agreed with the view that Australia should take a multifaceted approach to its human rights advocacy, stating that ‘it is important for us to emphasise that Australia pursues human rights issues in a wide range of ways’.¹²
- 8.14 DFAT added:
- The Government employs a wide range of tools to promote human rights. The selection of tools in each case will depend on the circumstances in the country concerned as well as the judgements about which tool, or combination of tools, is likely to have the greatest impact.¹³

Multilateral human rights advocacy

The United Nations Human Rights Council

- 8.15 In 2006 the UN established the Human Rights Council (UNHRC). The UNHRC is responsible for ‘strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them.’¹⁴
- 8.16 In addition, the UNHRC ‘has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.’¹⁵

10 NSW Falun Dafa Association, *Submission no. 16*, p. 13.

11 Ms Dao, *Transcript*, 24 February 2012, p. 44.

12 Ms Stokes, Department of Foreign Affairs and Trade, *Transcript*, 5 March 2012, p. 11.

13 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

14 United Nations Human Rights Council, ‘Background information on the Human Rights Council’, viewed 17 May 2012,
<<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>>

15 United Nations Human Rights Council, ‘Background information on the Human Rights Council’, viewed 17 May 2012,
<<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>>

- 8.17 47 United Nations Member States, which are elected by the UN General Assembly, are members of the UNHRC. Australia is currently not a member.¹⁶
- 8.18 A number of organisations were supportive of pursuing human rights advocacy through the United Nations and the UNHRC.
- 8.19 The UVBC called for DFAT to work through other human rights mechanisms such as the UN Human Rights Council.¹⁷
- 8.20 The Baha'i Community held the view that multilateral mechanisms, such as the UNHRC, could be more effective in the protection of human rights:
- Those tools also include multilateral mechanisms, like the UN human rights instruments, the General Assembly, the Third Committee, the Human Rights Council and special procedures. One would obviously never want a situation to arise where participation in a dialogue precluded the government from pursuing those other avenues which are at least, if not more, effective in the protection of human rights.¹⁸
- 8.21 ACFID, in its submission as part of its inquiry into *Australia's Human Rights Dialogue Process*, stated:
- ...bilateral dialogues should be integrated into multilateral processes, such as the United Nations Commission [now the UNHRC] on Human Rights, to more effectively promote human rights.¹⁹
- 8.22 The VCHR highlighted the European Parliament's view of applying diplomatic and political pressure at every level:
- As the European Parliament has said: 'it is essential for dialogue or consultation to be backed up by appropriate diplomatic and political pressure at every level, extending to United Nations bodies and its Human Rights Council in particular'.²⁰

16 United Nations Human Rights Council, 'Current Membership of the Human Rights Council', viewed 17 May 2012, <<http://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>>

17 Most Venerable Thich Quang Ba, Unified Vietnamese Buddhist Congregation of Australia and New Zealand, *Transcript*, 1 February 2012, p. 25.

18 Dr Mobini, Australian Baha'i Community, *Transcript*, 20 September 2011, p. 2.

19 Australian Council for International Development, *Submission no. 14*, p. 6.

20 Vietnam Committee on Human Rights, *Submission No. 19*, p. 5.

- 8.23 More specifically, the FDA expressed concerns that the UNHRC was 'not faring much better in terms of bringing China to account for its human rights abuses.'²¹
- 8.24 The CLA, while supportive in pursuing UN resolutions on human rights, had some reservations about the effectiveness of the UNHRC.²²
- 8.25 DFAT advised the Committee that participation in the UN is an important component of Australia's human rights advocacy, stating:
- Another important component of Australia's human rights advocacy is active participation in multilateral fora at which human rights are regularly discussed, including the UN General Assembly Third Committee and the UN Human Rights Council.²³
- 8.26 DFAT held the view that the UNHRC was quite robust in how it deals with human rights issues.²⁴

The Universal Periodic Review

- 8.27 The Universal Periodic Review (UPR) is a process during which all UN member states undergo a peer review of their human rights situations every four years. The UN describes the UPR as:
- ...a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.²⁵
- 8.28 ACFID suggested that more emphasis, more resources and more strategy be focused around the UPR process.²⁶

21 NSW Falun Dafa Association, *Submission no. 16*, p. 12.

22 Civil Liberties Australia, *Submission No. 1*, p. 2; Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 5.

23 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

24 Ms Stokes, Department of Foreign Affairs and Trade, *Transcript*, 5 March 2012, p. 11.

25 United Nations Human Rights Council, 'Universal Periodic Review', viewed 11 May 2012, <<http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>>

26 Dr Harris-Rimmer, Australian Council for International Development, *Transcript*, 11 October 2011, p. 7.

- 8.29 Sydney PEN viewed the UPR as a new paradigm for human rights reporting, suggesting that the UPR process be used as an avenue for greater bilateral engagement with China and Vietnam:

I know that Vietnam is up before the UPR process this year and China is in 2013. They are processes that are engaged with in a meaningful way by both of those [countries]. That is to say that they provide submissions to the Human Rights Council, that they make themselves available for questioning as part of that process and that the questioning in fact often comes from NGOs and other interested states who put questions to the members of the council who ask the questions of China and of Vietnam. Then a report is produced as a result of that. [...] I wonder whether, given that the UPR process happens every four years, there are prospects for the Australian government to engage bilaterally with those countries to increase the level of reporting from both sides – from China about Australia and from Australia about China – in between those periodic reviews.²⁷

- 8.30 However, the VCHR was less optimistic about the efficacy of the UPR, noting that Vietnam had rejected any recommendations made when it came before the UPR:

Moreover, at the UPR, instead of engaging in inter-active dialogue with UN member states, the Vietnamese delegation dismissed their concerns on violations of freedom of the press, religion, expression and association as ‘unfounded reports and allegations of ill will about democracy and human rights in Vietnam’. It also rejected over 40 concrete proposals for advancing human rights, including Australia’s important recommendations to strengthen press freedom protections and bring the Penal Code and the Criminal Procedures Code into line with its international treaty commitments.²⁸

- 8.31 DFAT highlighted Australia’s involvement in the UPR process, stating:

The Government takes part in the UN HRC’s UPR mechanism and participates in the vast majority of the UPRs of UN member states. In the last three sessions of the UPR, Australia delivered statements on 40 out of 47 countries under review.²⁹

27 Mr Beckett, Sydney PEN Centre, *Transcript*, 1 February 2012, p. 11.

28 Vietnam Committee on Human Rights, *Submission No. 19*, p. 1.

29 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

- 8.32 DFAT also highlighted Australia's involvement in relation to China and Vietnam's assessment under the UPR:

In February 2009 we delivered a statement on the occasion of the UPR of China, making recommendations on abolition of the death penalty, protection of ethnic minorities' religious, political, civic and socio-economic rights, press freedom and the treatment of human rights defenders. In May 2009, we delivered a statement at Vietnam's UPR, making recommendations on press freedom, Vietnam's accession to the Convention Against Torture, and the need for consistency between Vietnam's criminal code and its international human rights treaty commitments.³⁰

- 8.33 DFAT noted that Australia is active in the UPR in relation to a large number of countries, and does not seek to limit its activity to areas of greater importance to Australia:

For Australia, where possible, we try to make comments on nearly every country, where we have something useful to say. You have a very short time frame for speaking. It is something like three minutes or four minutes, so you cannot cover the waterfront, so you have to be selective about the key human rights concerns you want to raise. We take those opportunities very seriously, and every country takes it seriously. What is good about it is that developed and developing countries are treated equally.³¹

- 8.34 DFAT viewed the UPR process as a very constructive means of multilateral engagement on human rights, stating:

The Universal Periodic Review process has turned out to be, for us, quite a constructive way of engaging with all countries in the world on human rights. Once every four years, every country has its turn at the Universal Periodic Review. The country makes the presentation but then it is subject to questioning and proposals and then recommendations are made. The country accepts some of those and does not accept some. That is its decision. There is a report six months or so after that. Then, four years later, the country has its turn again, and in a sense its performance is measured again through that process. If it said it would do something, the question is: has it done it? It provides a good vehicle for testing that – although I should say that we are just

30 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

31 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 11.

about to begin that process because we have only just finished the four-year cycle.³²

Other multilateral human rights advocacy

- 8.35 A number of submitters suggested additional avenues through which to multilateral human rights discussions could take place including the UN Development Programme (UNDP), Commonwealth Heads of Government Meeting (CHOGM), G20, International Labour Organisations, multilateral trade agreements, and the World Bank.
- 8.36 CLA suggested that the UNDP have human rights integrated into its work.³³
- 8.37 ACFID suggested using CHOGM or the G20 to raise human rights issues:
They could use CHOGM to make an issue about here or there, or they could use the G20 or they could make some strategic connections around human rights issues that would then make the dialogue more fruitful.³⁴
- 8.38 The ACTU recommended:
...promoting respect for human rights through all available avenues, including multilateral human rights processes (including through the International Labour Organisation [ILO]), bilateral and multilateral trade agreements, and through its international aid program.³⁵
- 8.39 The Committee to Protect Vietnamese Workers (CPVW) also recommended that Australia work with international organisations like the ILO to help improve workers rights in Vietnam, noting:
As part of its involvement in the ILO's Better Work Vietnam program, Australia should push for the universal right of workers to organise and strike without being arrested or sacked.³⁶
- 8.40 CLA suggested that human rights elements be incorporated into the operations of the World Bank.³⁷

32 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 11.

33 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 5.

34 Dr Harris-Rimmer, ACFID, *Transcript*, 11 October 2011, p. 3.

35 Australian Council of Trade Unions, *Submission No. 13*, p. 2.

36 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 7.

37 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 5.

- 8.41 Mr Luke Donnellan MP advised that Australia must exercise caution when pushing human rights issues in multilateral arenas citing Vietnam's accession to the World Trade Organisation (WTO):

There was an enormous push in the USA, from the Vietnamese community there, to say they [Vietnam] should not be, but if you start denying countries that then in many ways you are denying the people within that country the right to trade, the right to improve their lot. It is fine in theory to deny a country a relationship with the WTO but realistically the impact it will have is probably on the worst-off.³⁸

- 8.42 ACFID pointed out that the Association of Southeast Asian Nations (ASEAN) established an Intergovernmental Commission on Human Rights in 2009 to increase awareness and discussions of human rights in the region.³⁹ ACFID added:

As Australia's ASEAN neighbours continue to move to a more integrated economic bloc, it remains a critical diplomatic undertaking to work bilaterally to discuss the human rights situation in our region and its realisation by the most vulnerable.⁴⁰

- 8.43 DFAT informed the Committee that it is engaging more with ASEAN on human rights issues, stating:

It is worth noting that we are now also engaging more with ASEAN as a body on human rights issues as well as bilaterally. They have set up just quite recently a new body – the ASEAN Intergovernmental Commission on Human Rights. This flows from the fact that they have adopted a charter which has changed the institutional character of ASEAN. We think that is a very significant and welcome development for the region and we are looking at ways at which we can work with and support that body, including linking up the Australian Human Rights Commission with this new body to help it develop its pathway forward.⁴¹

38 Mr Donnellan MP, *Transcript*, 24 February 2012, p. 32.

39 Australian Council for International Development, *Submission no. 14*, p. 3.

40 Australian Council for International Development, *Submission no. 14*, p. 3.

41 Ms Bird, DFAT, *Transcript*, 1 November 2011, p. 6.

Bilateral human rights advocacy

Withholding foreign aid

- 8.44 Several submitters suggested Australia consider withholding foreign aid to Vietnam until the human rights situation improves.
- 8.45 The Vietnamese Community in Australia (VCA) said that it wants ‘serious consideration to be given to coupling Australian overseas aid with progress on human rights reforms’.⁴²
- 8.46 Bloc 8406 took a similar view to the VCA, stating:
- ...overseas aid items should always be tied to the human rights progress, and we propose that there is absolutely no aid to be given without human rights conditions attached.⁴³
- 8.47 Mr Scott Johnson, who provided a submission in a private capacity, specifically recommended withholding foreign aid until Montagnard prisoners in Vietnam are released, stating:
- The Australian Government should consider linking foreign aid or take other concrete measures in order to pressure Vietnam to release the Montagnard prisoners.⁴⁴
- 8.48 Mr Nguyen Van Dai made a similar suggestion, saying that foreign aid to Vietnam should be linked to the immediate release of 300 political prisoners.⁴⁵
- 8.49 When asked about its views on the withholding of foreign aid DFAT responded that there is no international consensus on how effective sanctions are:
- Generally, many African countries think that sanctions are not helpful. It is a contested area. We have seen some progress with Burma. Have sanctions by Western countries helped – and the sorts of sanctions we are talking about are targeted, usually travel sanctions and financial sanctions against individuals? When you look at how we explain the positive changes there, it is hard to

42 Mr P. Nguyen, Vietnamese Community in Australia, *Transcript*, 24 February 2012, p. 16.

43 Mr D. Nguyen, Bloc 8406, *Transcript*, 24 February 2012, p. 23.

44 Mr Johnson, *Submission No. 8*, p. 2.

45 Mr Van Dai, *Submission No. 5*, p. 2.

disentangle things. But, again, I would say that the sanctions on the part of the West have been helpful.⁴⁶

Committee comment

- 8.50 The Committee notes the concerns of submitters that funding provided through Australia's foreign aid program may go to countries in which human rights abuses take place.
- 8.51 Human rights, justice, civil and political rights are essential in building functioning democracies and for reducing poverty.
- 8.52 The Committee calls on the Australian Government to consider these broader 'rights' issues when allocating funding under Australia's overseas development aid program. The Committee requests that the Australian Government measure the effectiveness of its existing human rights aid programs.

Supporting national human rights institutions

- 8.53 CLA highlighted that DFAT provided funding and expertise to establish a human rights group in Indonesia.⁴⁷ CLA added:
- And in fact the model that was used for support for human rights in Indonesia that worked very well could be something that was trialled in other Pacific countries.⁴⁸
- 8.54 Ms Dao recommended that Australia provide funding for the establishment of a similar human rights institution in Vietnam.⁴⁹
- 8.55 DFAT stated that 'the building of national human rights institutions is a priority and where we can try to help through capacity building through Australia's Commission.'⁵⁰
- 8.56 DFAT added that it supports national human rights institutions in the Asia-Pacific region through Australia's aid program:

46 Ms Stokes, Department of Foreign Affairs and Trade, *Transcript*, 5 March 2012, p. 26.

47 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 4.

48 Mr Rowlings, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 4.

49 Ms Dao, *Submission No. 2*, pp. 2-3.

50 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 25.

Other aspects of the aid program which play a direct role in promoting human rights include its strong support for the strengthening of national human rights institutions in the Asia-Pacific region as well as grassroots human rights initiatives. The \$6.5 million Human Rights Fund supports key human rights institutions, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Asia-Pacific Forum of National Human Rights Institutions (APF). It also funds the Human Rights Grants Scheme (HRGS), which in 2010-11 provided \$3.5 million in grants to support human rights projects in 33 countries.⁵¹

- 8.57 The Commission elaborated on its activity in advocating for and assisting in the establishment of national human rights institutions, both bilaterally and multilaterally, stating:

The commission is a member of the Asia Pacific Forum of National Human Rights Institutions, a wide multilateral network of human rights commissions. Through that forum it participates in exchanges and provides support for the establishment and further development of national human rights institutions in this region and beyond. In addition to that we see the establishment of human rights commissions as an area which we could potentially pursue in our bilateral cooperation programs with other countries, if that is an area that they are open to pursuing.⁵²

Committee comment

- 8.58 National human rights institutions are designed to promote and protect human rights at the country level. Their role can include addressing discrimination in all its forms, upholding civil and political rights, and promote and protect economic, social and cultural rights.
- 8.59 Properly constituted national human rights institutions can provide an avenue for engaging civil society and government in a discussion of human rights practices, and help to equip both actors with the resources required to begin achieving practical improvements in human rights. They also give citizens another means to seek redress for human rights abuses.

51 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

52 Mr Robinson, Australian Human Rights Commission, *Transcript*, 1 February 2012, p. 5.

- 8.60 National human rights institutions also facilitate wider international engagement on human rights through multilateral institutions such as the Asia-Pacific Forum of National Human Rights Institutions. In this way, they can assist in spreading adherence to international human rights instruments and norms, such as the various UN covenants on human rights.
- 8.61 The Committee sees great value in facilitating the establishment and development of national human rights institutions within the Asia-Pacific region.

Recommendation 11

The Committee recommends that the Australian Government assist interested Asia-Pacific countries in the establishment and development of a National Human Rights Institution within their respective country.

Broader human rights advocacy

Public and private advocacy

- 8.62 Several submitters raised Australia's public and private diplomatic activity as presenting complementary mechanisms for human rights advocacy. Broadly, these suggestions related to Australia's private bilateral advocacy and its public advocacy.
- 8.63 The International Commission of Jurists said that Australia should not sequester all talk of human rights to the dialogues themselves:
- It is necessary, as Australia seems reasonably to do, both to work in the system and also to maintain the right to speak publicly on human rights matters.⁵³
- 8.64 The Vietnamese Community in Australia was supportive of an approach to public human rights advocacy that balanced private and public approaches, noting that it should not rely on quiet diplomacy alone:

53 Mr Suter, International Commission of Jurists, *Transcript*, 5 September 2011, p. 9.

What I am saying is that we are not insisting that we should pursue a megaphone diplomacy, but neither should Australia follow a whispering diplomacy either. We want to make sure that our view is heard and that our view is respected.⁵⁴

- 8.65 The VCHR suggested that Australia should engage in more public and private advocacy, both bilaterally and multilaterally, when it comes to human rights in Vietnam:

Australia should raise human rights issues at all bilateral meetings... and in multilateral fora. Entertaining a human rights dialogue should not prevent Australia from publicly criticising Vietnam, submitting resolutions and making public statements calling for the release of political prisoners or condemning arbitrary arrests.⁵⁵

- 8.66 The FDA stated that the approach taken in the dialogues with China has not been effective because it mainly engages with officials from the Chinese Ministry of Foreign Affairs, which 'has no mandate to promote greater respect for human rights in China domestically'. Instead, they recommended engaging in advocacy tailored towards practical improvements in human rights:

An alternative mechanism with focused and targeted programming to encourage enhanced Chinese compliance with its commitments to the UN Human Rights Covenants should be implemented.⁵⁶

- 8.67 The FDA thought that Australia's human rights advocacy should engage the highest levels of political leadership in China:

Australia should engage China in a human rights dialogue that includes the highest levels of the Communist Party of China, with consistent private and public comment, to highlight the route to ending gross human rights violations, which clearly includes ending the persecution of Falun Gong.⁵⁷

- 8.68 The Prisoners of Conscience Fund took the view that Australia must engage in human rights advocacy with Vietnam constantly:

54 Mr Luu, Vietnamese Community in Australia, *Transcript*, 24 February 2012, p. 16.

55 Vietnam Committee on Human Rights, *Submission No. 19*, p. 5.

56 NSW Falun Dafa Association, *Submission No. 16*, p. 4.

57 NSW Falun Dafa Association, *Submission No. 16*, p. 5.

For you to improve the human rights dialogue with Vietnam you have to constantly convey to the Vietnamese authorities that Australia is closely and actively monitoring human rights in Vietnam. You have to keep telling them that – today, tomorrow, you have to tell them every day, every month, every year.⁵⁸

- 8.69 The Sydney PEN Centre recommended an expansion in training and exchange programs with China and Vietnam, noting that in terms of the ‘expansion of Australia’s soft diplomacy’:

One of the approaches that might yield long-term benefits would be an expansion of human rights training, particularly to government officials.⁵⁹

- 8.70 Furthermore, Sydney PEN considered that one way of conducting such soft diplomacy was through an exchange program, where Vietnamese and Australian officials spent time in each others’ countries:

Positions in relevant departments could be exchanged between Australia and China. Where there are issues of misunderstanding of how Australia might, for example, operate its own prisons, there is clear benefit in Chinese officials being able to see how that occurs on the ground and providing them with some degree of comfort about recognition of rights within a correctional facility circumstance.⁶⁰

- 8.71 DFAT told the Committee that Australia is active in raising human rights issues through its public diplomacy. For example, it stated that it actively made representations on the death penalty to countries that continue to use it.⁶¹

- 8.72 When it comes to conducting Australia’s human rights advocacy publicly, DFAT stated that it is always necessary to make a judgement about whether public advocacy will be helpful, noting:

...perhaps a lot of the advocacy that is undertaken on a daily basis is not visible. In some ways you have to make a judgment call about whether that helps. You were raising individual cases but we are always very wary of going public about that because we do not want to make the situation worse for the individuals

58 Mr Doan, Prisoners of Conscience Fund, *Transcript*, 24 February 2012, p. 5.

59 Mr Beckett, Sydney PEN Centre, *Transcript*, 1 February 2012, p. 9.

60 Mr Beckett, Sydney PEN Centre, *Transcript*, 1 February 2012, p. 9.

61 Department of Foreign Affairs and Trade, *Submission No. 20*, p. 22.

concerned. Again, it is a judgment that is made based on the circumstances in the country concerned.⁶²

- 8.73 As an example, DFAT informed the Committee of the Foreign Minister's public statements about individuals of concern in China:

The former Foreign Minister, the Hon Kevin Rudd MP, publicly raised a number of individual human-rights cases of concern during his speech to the Asia Society in New York on 13 January 2012, including Fang Lizhi, Liu Xiaobo and Ai Weiwei. He also raised Liu Xiaobo's case on ABC Radio's 'PM' program on 11 October 2010 and during an interview at the Hong Kong Jockey Club in Beijing on 3 November 2010.⁶³

- 8.74 Furthermore, it noted that DFAT itself is active in raising such cases in public:

Department of Foreign Affairs and Trade Deputy Secretary Heather Smith raised Liu Xiaobo's case during a joint press conference following the 13th Australia-China Human Rights Dialogue in Beijing on 20 December 2010.⁶⁴

- 8.75 DFAT also raised the example of its private advocacy following the civil war in Sri Lanka:

For example, on Sri Lanka, I could not count the times that we raise issues with the Sri Lankan government. We do not shout those from the rooftops. For example, the previous participant here was talking about the militarisation of life in Jaffna. We have raised that many times with the Sri Lankan government as part of the reconciliation and what Mr Smith used to call 'winning the peace'. We raise those sorts of issues. They are raised when our ambassador – in that case, a high commissioner – meets ministers and senior officials.⁶⁵

Other suggestions

- 8.76 A number of individuals and organisations suggested other ways to promote human rights more broadly.

62 Ms Stokes, Department of Foreign Affairs and Trade, *Transcript*, 5 March 2012, pp. 12-13.

63 Department of Foreign Affairs and Trade, *Submission No. 25?*, p. 1.

64 Department of Foreign Affairs and Trade, *Submission No. 25*, p. 1.

65 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 12.

8.77 Ms Dao considered that Australia's human rights advocacy needed to be expanded with an increase in Radio Australia's funding for Vietnam to better facilitate free discussion in Vietnam, recommending that the government:

Expand funding for Radio Australia programming for Vietnam, encouraging free exchange of opinions from Vietnamese listeners, including programs which promote rule-of-law concepts, basic freedoms and human rights concepts, civil and civilised society concepts and development.⁶⁶

8.78 Another tool that was suggested by the CPVW was to focus on free access to the internet:

Help citizens of target countries to freely participate in online and mobile life. For example, fund the translation into relevant languages (Vietnamese, Chinese) of various relevant software.⁶⁷

8.79 The CPVW also noted that Australia could work with other countries in promoting free access to the internet.⁶⁸

8.80 Furthermore, the CPVW also saw a direct role for Australia in providing human rights information through its e-diplomacy, recommending that Australia provide:

...information on universal rights, via means under Australia's control, such as directly with contents on websites (Australia's consular website, or websites associated with various aid and other projects) or indirectly via links from there to other Australian websites.⁶⁹

8.81 Ms Dao quoted an anonymous Vietnamese blogger on the effect that free access to the internet can have:

I would like to thank humanity, especially the inventors of the internet, Bill Gates and Steve Jobs, who gave us email facilities, Google, iPads and iPods. Thanks to your inventions we are no longer locked up in the communist prison of ignorance. We can now surf the net right in front of the nose of the security police. The bamboo curtain, the iron curtain, the walls the communists erected to prevent people to think are now blown to bits by communication technology. When the firewalls used to censor

66 Ms Dao, *Submission No. 2*, p. 10.

67 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 11.

68 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 11.

69 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 3.

internet access are powerless in the face of our powerful longing for freedom, that is the moment when democracy is born.⁷⁰

- 8.82 Ms Dao also suggested that future funding increases to Vietnam should be matched by funding directed towards improving human rights, recommending that Australia:

Ensure that any funds appropriated or allocated to expand bilateral economic or security relations are met with corresponding funding for new projects that focus on furthering human rights, workers' rights, civil society capacity-building, non-commercial rule-of-law programs in Vietnam or incorporate these values in funding terms and conditions.⁷¹

- 8.83 Furthermore, Ms Dao told the Committee that any current funding should be directed towards projects designed to make practical improvements to human rights, through the provision of:

Ongoing aid and training programs at grassroots level for Vietnamese workers and women that include rule-of-law training, basic freedoms, human rights and workers rights concepts, civil and civilised society concepts and development. Aid should aim to go to independent unions who truly represent the workers, and not to state-sponsored unions.⁷²

- 8.84 Ms Dao also recommended that any part of the aid program directed towards scholarships should be directed towards ethnic and religious minorities:

AusAID's current scholarship program can allocate placements for Vietnamese high school - age students to attend school in Australia; AusAID should aim to select youth from disadvantaged and marginalised groups such as from ethnic minority group areas (Montagnard and Hmong), from minority religious communities...⁷³

- 8.85 However, Ms Dao cautioned that the selection of candidates should not be conducted by the Vietnamese government, but rather by religious and charitable organisations.⁷⁴

70 Ms Dao, *Transcript*, 24 February 2012, p. 40.

71 Ms Dao, *Submission No. 2*, p. 8.

72 Ms Dao, *Submission No. 2*, p. 9.

73 Ms Dao, *Submission No. 2*, p. 9.

74 Ms Dao, *Submission No. 2*, p. 9.

Committee comment

- 8.86 The Committee appreciates the suggestions provided by submitters that Australia take a broader role in its human rights advocacy and notes that DFAT is already actively engaged in this area.

Mr Michael Danby MP

Chair

June 2012