



Submission No 18

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

Name: Trung Doan
Secretary

Organisation: Committee to Protect Vietnamese Workers

Ủy Ban Bảo Vệ Người Lao Động Việt Nam (UBBV) - Committee To Protect Vietnamese Workers (CPVW)

Ba Lan: Ul. Waryńskiego 3-00- Warszawa, Poland; Tel: +48 606 831 600

www.baovelaodong.com, baovelaodong@gmail.com & www.protectvietworkers.com, protectvietworkers@gmail.com

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CPVW Submission to Inquiry on Australia's Human Rights Dialogues with China and Vietnam

Contact in Australia:
Mr. Trung Doan, Secretary - CPVW
protectvietworkers@gmail.com

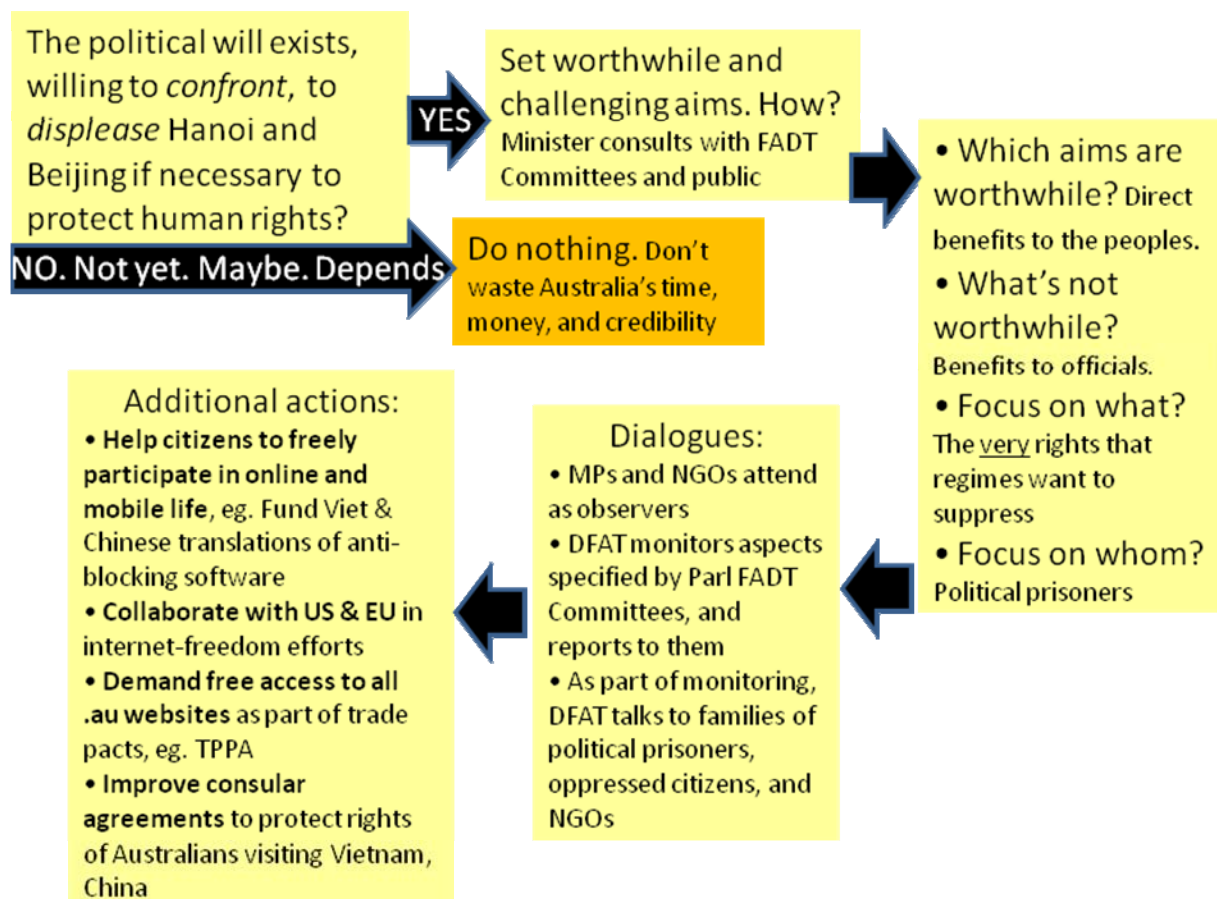
We thank the Human Rights Sub-Committee for the opportunity to provide this Submission, and thank the Secretariat for allowing a short extension of time. We wish to appear before the Sub-Committee to discuss our Submission in more detail. If given a choice, we prefer Melbourne.

Drawing on our experience with the Vietnam situation, our discussions and recommendations are geared towards Vietnam, but some may also have wider applicability.

Apart from exceptions obvious from the context, all of our discussions and recommendations apply to not just Human Rights Dialogues but to all rights-related activities, such as AusAID's involvement in the ILO's Better Work Vietnam, and aid projects which have a rights dimension.

The Committee to Protect Vietnamese Workers (CPVW) comprises people in Australia and several other countries, working together to further the cause of Vietnamese workers' rights. More information is at protectvietworkers.com and baovelaodong.com.

The Figure below summarises our Submission in a nutshell. The text will explain it in detail.



What should be the Dialogues' aims, and who should set them?

After this Section, we will address the Terms of Reference in the order set out by the Sub-Committee. Here, however, we first discuss the above prerequisite topic. Although not stated as a specific term of reference, it can be understood as implied within terms 4 (“reporting”) and 5 (“monitoring and evaluation of outcomes”).

If the aims are too vague, the Dialogues can become talk for the sake of talk. If the aims are too superficial, then the Dialogues may not be worthwhile. If they are unattainable, then the Dialogues may be abandoned unnecessarily. Therefore, the aims should be set to be just right: worthwhile, challenging, and slightly aspirational.



What is worthwhile, what is not? And what is challenging and aspirational but not impossible?

Providing benefits to officials, hoping to benefit peoples indirectly, is usually not worthwhile

For example, as part of the current Human Rights Technical Cooperation program (HRTC),:

- **Australia has given some money to Vietnam's Ministry of Public Security.** DFAT's website does not detail what the money was used for, and how it intended to measure any effectiveness in terms of rights improvements, therefore it is not clear how DFAT thought this might help improve the human rights situation. But it is clear that the situation has not improved. Arrests and imprisonment of rights advocates have continued unabated.

This is the very ministry that coordinates their arrests and mistreatment, sometimes using thuggery such as kicking in dissidents' faces in public, and sometimes hiring ordinary thugs to do its dirty work. Just as it would have been wrong to give money to Hitler's SS in the hope that they better understand human rights, so is this.

There can be various interpretations of DFAT's thinking, the most optimistic interpretation we could come up with is that DFAT wanted to empower the more progressive elements within this Ministry so that they can influence the rest. In that case, there should have been more thought given within DFAT on the sincerity, efficacy, and post-expenditure evaluation of this idea.

- **Australia has brought Vietnamese judges to observe Australian courts,** hoping that they will get a better understanding of the principles of judicial independence and separation of power. All that has been achieved is that these officials (all are Communist Party officials) have enjoyed the free trips. Before the trip they already understood the principles - law school students do not need to do a trip to understand such concepts. In a future democratic Vietnam which respects judicial independence, judges will in any case

be required to apply such principles, regardless of whether they did a trip. In the meantime they will do nothing to help make that future possible. Therefore, the benefit (free trips) is enjoyed by officials but any human rights benefit in future will not be a result of the funding.

- **Australia has paid for workshops in Vietnam for officials to organise and attend.** These were ministry officials, or officials from Communist-Party extensions such as the Women's Union or the Lawyers' Association, all being officials of the ruling party. Official descriptions can sound impressive: "capacity building", "improving access to justice", etc. But the measures of success ought to be whether ordinary people are getting improved access to justice, rather than how many officials attended how many workshops. Australian taxpayer money has benefited officials but benefits for the people have not been demonstrated.

Actions aimed directly at peoples of the target countries tend to be more worthwhile

Some examples are:

- **Providing 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
- **Improving access by ordinary people to information about their universal rights.** One example would be to refer Vietnamese who access our consular offices or consular websites (eg. as part of their visa application process) to sources for such information, along the line of, eg. *"As you are considering spending some time in Australia, we invite you to learn about the universal human rights that Australia and its people hold dear, by visiting <http://...>"*
- **Improving ordinary people's ability to circumvent online censorship.** We will discuss this in more detail under the final term of reference

Which rights to focus on? Focus on the hard ones, the very rights suppressed by the regimes

The authoritarian regimes ruling Vietnam and China want to ruthlessly maintain their rule but need to improve their economies, and also need to keep a lid on societal unrest. Therefore, even if not urged by the peoples or by the international community, they have voluntarily relaxed restrictions relating to certain rights in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

Example of relaxations include:

- The maternity leave provision in Vietnam's Labor Law (in accordance with the ICESCR right to family life);
- The law setting up social insurance (which accords with the ICESCR right to social security, although in practice long-standing systemic – some say intentional – holes are built in, allowing employers to deduct moneys from workers' pay then pocket them instead of paying into their funds);
- Most religions are no longer banned (thus appearing to respect the ICCPR's freedom of religion, but the Hanoi regime sets up state-run churches and uses regulations to restrict or prohibit the printing of the Bible and church newsletters).

Examples of severe suppression include:

- The right to have trade unions other than state-run ones (The Communist Party has created the Vietnam General Confederation of Labor, VGCL, and its labor laws give VGCL the monopoly

rights. Calling itself a union, in reality VGCL is an anti-union, set up to ensure workers cannot organise. Its Vietnamese website says that its “*role is to serve the Party*”, and its officials prevent and stop industrial actions);

- The right to strike (Vietnam’s Labor Law denies this right by saying that a strike is illegal unless organised by the VGCL, which never does. Laws allow employers to sack workers taking part in illegal strikes and demand compensation from them for economic losses).

It is important to realise that both relaxations and suppressions are there for strong reasons, usually existential because the regimes see them as important to their rule, and sometimes because they open up corruption opportunities for officials. To them, these reasons are very strong.

Given the above, we draw 2 conclusions: First, Australia should aim to improve the very rights which the regimes intend not to improve, because if we do not, these rights will not improve. During the late 20th century, many theorists argued that as authoritarian regimes open up their economies, they must allow more and more freedoms. This is true only for rights that the regimes *want* to relax. Time has shown that they will keep suppressing those rights that they have strong or existential reasons to suppress: Independent unions were outlawed then and now. Dissidents were jailed then and now. Troops were brought into Tianmen Square then, troops are brought to Xinjiang and Vietnam’s Central Highlands now.

These days, aware that the above argument has lost its appeal, some argue that if Australia *piggybacks* on regimes’ willingness to relax certain restrictions, and especially if Australia gives them a bit of money, perhaps Australia can successfully nudge them to relax that little bit more, while avoiding confrontation. Again, that has not worked. Vietnam’s Communist Party officials are willing to accept our HRTC free trips, to organise HRTC seminars, etc., but they will keep arresting workers who lead strikes. The most that can be said about a piggyback strategy is that some rights improvements can be presented as wins to those who do not look more deeply to realise that such improvements would happen anyway, whether Australia piggybacks or not.

Either as a nation we do it with courage and conviction, or we not do it at all.

Our second conclusion is that courage is needed and confrontation is unavoidable. If Australia wants to promote rights which Hanoi and Beijing want to suppress for existential reasons, nothing will happen by Australia asking nicely or giving some aid money in the hope of nudging things along.

The question, then, is: Isn’t this too hard?

Isn’t it too hard for Australia to promote rights which Hanoi and Beijing strongly want to suppress?

As we showed with the above examples (Provide information on rights; Improve access to rights information), and examples to come later in this Submission (eg. Providing Vietnamese and Chinese translations for online censorship circumvention software tools), not all such efforts are too hard. Many are either quite do-able or just challenging enough for a mid-sized power like Australia.

Also, usually, where the will exists, what seemed impossible becomes possible, and vice versa.

We believe that Australian officials can readily come up with innovative ideas and pursue them to achieve rights improvements. What is needed is the political direction to do so. Without that political direction, the least-resistance path can seem attractive to some officials. Without worthwhile and challenging aims, Human Rights Dialogues can fall prey to the old adage “*Work expands to fill the time available*”.

Rights are worthless if they exist on paper but those who exercise them are imprisoned. This is why the issue of political prisoners should be front and centre

In both Vietnam and China, the main method of denying rights is by imprisonment. Vietnam's Constitution and laws enshrine many rights, but a full set of apparatus is used to suppress those who try to exercise or advocate for such rights, including:

- Provisions in laws to deny such rights in practice, such as laws prohibiting the forming of independent unions.
- Use of helicopters and troops, in conjunction with local police and hired thugs, to kill and imprison aboriginal Vietnamese protesting the suppression of their culture and forced renunciation of their Christian faith;
- The use of laws requiring internet cafe owners to monitor usage;
- The use of administrative detention.

We estimate that in jails throughout Vietnam, there are hundreds of political prisoners. The Vietnamese regime says that there is none, all are ordinary criminal law-breakers.

Clearly, it is a worthwhile Dialogue aim to free political prisoners, because if people are jailed for advocating or exercising rights then those rights are worthless.

While continuing to state during Dialogues that it is concerned about political prisoners, Australian governments have also been telling the Vietnamese Australian community that Australian officials will not meet them or their families because that is too "confrontational" to Hanoi, and that the Dialogues are still worthwhile even if no political prisoners are freed.

Thus, the message which the Vietnamese authorities perceive is: "*We will talk but won't act – we won't visit their families, we won't confront you. Our Dialogue is still OK if you don't release them*". To them, it seems that Australia raises the issue only for the sake of raising it.

We think that talk without walk is not only ineffective, but also harmful. That is because the Vietnamese authorities interpret this to mean that Australia doesn't care. This is *worse than* not knowing whether Australia cares or not. A juvenile delinquent whose parents say nothing about his crimes feels less self-confident than one whose parents say "Naughty!" then signals that they won't do anything to stop him.

As clear evidence of this, whenever they decided it was time to crack down (such as during the months before the Beijing Olympic, the months leading to the Communist Party Congresses, etc.), Hanoi has cracked down, Dialogue or no Dialogue, HRTC or no HRTC.

We therefore suggest that Australia should stop talking in the Dialogues about political prisoners if all that it is prepared to do is talk. Conversely, we recommend that the issue of political prisoners should be front and centre for the Human Rights Dialogue and all relevant rights-related Australian activities relating to Vietnam.

One example rights-related activity is Australia's involvement in the ILO's Better Work Vietnam program. Here, the program should push for the right of workers to organise and strike without being arrested or sacked.

How should the issue of political prisoners be pursued? Firstly, accept that confrontation of some sort, or at least making Hanoi and Beijing unhappy, is unavoidable. By its nature, raising the issue while keeping Hanoi and Beijing happy is almost an oxymoron and, as we discussed above, harmful. Secondly, to increase leverage, Australia should work with like-minded countries, such as

the US and the European Union. Thus, for example, if Australian officials meet families of political prisoners, Australia should encourage other countries to do the same; and conversely, if they initiate, Australia should be prepared to follow or coordinate with them.

Would such vigorous pursuing produce any benefit? Yes:

- The above-mentioned collective leverage will encourage the Vietnamese authorities to become less heavy-handed and more discrete in arresting new political prisoners;
 - Almost certainly, it will also have to allow foreign media and diplomats to attend more trials;
 - If visits in jails take place, it most likely must treat political prisoners less harshly;
 - Even if it refuses requests by Australia, the US, and the European Union to visit political prisoners, knowing that these countries can and do talk to their families, it will stop beating prisoners
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- Under sufficient pressure, it would not be unthinkable that the Vietnamese regime must release some prisoners;
 - At the very least, even if all else fails, there is one sure benefit: Australia shows that it means what it says, which upholds its integrity.

Who should take part in setting the aims?

The Dialogues are Executive actions, therefore the Australian government set the aims. However, Parliament has the oversight role, this role is not limited to after-the-fact supervision, but the Parliament has had the right to provide inputs to the planning of a wide range of Executive actions, before they are carried out.

We therefore think that the Parliament, specifically via its JSCFADT and the Senate FADT Committee (“FADT Committees”), should assist the Minister in setting out the aims. One way to do this is by making recommendations as part of reviews and inquiries. However, reviews and inquiries tend to be far in between and quite time-consuming. A more convenient mechanism is to use the regular reporting by DFAT to the FADT Committees on the Dialogues (which we will recommend in the relevant Section), which take place more frequently and require less of Parliamentarians’ time.

A more pro-active approach would see the Minister consulting with the FADT Committees before setting down the aims.

How could the Australian public and NGOs be involved? The FADT Committees, if and when they run reviews and inquiries, give opportunities for the public and NGOs to provide inputs. If the Minister consults with or seeks inputs from the FADT Committees, then the usual process of making views known to Parliamentarians can be used. It would be best if the Minister also invites public submissions.

In summary, we recommend that:

- a) **The Human Rights Dialogues, and other rights-related actions by the government, should have aims that are designed to be worthwhile, challenging, and slightly aspirational;**
- b) **The Minister, in setting the aims, should consult with the Parliament, specifically the JSCFADT and the Senate FADT Committee. The public should also be invited to provide inputs. And monitoring and reporting activities, such as reporting by DFAT to the JSCFADT and**

the Senate FADT Committee on the Dialogues, should be used as opportunities to modify or set aims;

- c) Generally speaking, avoid actions that benefit officials, in the hope that the people then indirectly benefit. Instead, the aims should target the people directly;**
- d) The aims should target the very rights suppressed by the regimes. In doing so, to increase leverage, Australia should work with like-minded countries, such as the US and the European Union;**
- e) Political prisoners should be front and centre for the Human Rights Dialogue and all relevant rights-related activities. It should be pursued vigorously, accepting that confrontation is necessary. If Australia is prepared to talk only, doing little else, then the Dialogues should drop the issue of political prisoners;**
- f) 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.**

We now address the Terms Of Reference one by one, in the order they were set out.

1• Parliamentary participation and oversight

We believe there should be both oversight and participation. The rationale for oversight is, as discussed above, that Parliament has the oversight role for Executive programs. This role applies to the Senate and also the House of Representatives. The rationale for participation is that if they participate in the Dialogues, interested Senators and MPs would gain a more detailed and practical knowledge, useful to their oversight role.

We recommend that there be both parliamentary participation in the Dialogues, and oversight. Specifically,:

- a) Formalise the requirement for DFAT to invite all parliamentarians to attend the Human Rights Dialogues, especially members of the JSCFADT and the Senate FADT Committee, in the role of observers;**
- b) To make it convenient for MPs to attend, Dialogues held outside Australia should be during recesses, and Dialogues held in Australia should be arranged to be during sitting days. Given MPs' busy schedule, this facilitates their attendance, including part-time attendance if necessary;**
- c) DFAT should provide reports to at least the Human Rights and the Foreign Affairs Sub-Committees of the JSCFADT, and the Senate FADT Committee;**
- d) In the interest of transparency, such reports ought to be placed on the parliamentary website and are publicly accessible. If there are texts that need to be blacked out on grounds such as national interest or privacy, DFAT can request such blacking outs, and the decision belongs to Parliament.**

2• Involvement of non-government organisations

Australian public life has a fine tradition of transparency, and this should apply to the Dialogues, at least because they are an important part of public policy, as well as consuming significant public resources.

Also, DFAT already has been consulting with the NGO community prior to Dialogues. It is a logical extension to have NGOs actually attend the Dialogues as observers, so that their inputs to the consultations can be grounded in the realities of such Dialogues.

Some years ago, an NGO was concerned that if they attend the Dialogues, even as observers, they would be tainted as lacking independence or somehow associated with the results (or lack of) such Dialogues. We respect their views, but disagree, and think that other NGOs, such as us, ought to have the opportunity to attend as observers. We do not think our independence is under threat, because we are fully prepared to publicly criticise aspects of the Dialogue with which we disagree.

The benefits of attendance as observers are clear: Dialogue officials know that they are no longer meeting behind closed doors, but are subject to public scrutiny. NGOs are able to know what was said, what was not, and how things were said. Through their public criticisms or comments, which are based on direct observation, public transparency and accountability are encouraged. And their inputs to future DFAT consultations on Dialogues would also be based on practical, detailed knowledge of the Dialogues.

If China or Vietnam wish to have their so-called NGOs attend as observers as well, that is their right. If they want their NGOs to dialogue with Australian NGOs, that is also their right. However, we caution that Vietnamese “NGOs”, such as the Women’s Union, or the Lawyers Association, are not NGOs but are created by, for, and run by Communist Party officials.

We recommend that Australian NGOs be involved to a certain extent. Specifically,:

- a) DFAT should invite NGOs to attend the Dialogues as observers. The invitation should be sent to NGOs which have registered their interest to receive invitations. A passive invitation, which requires NGOs to frequently check and look for in DFAT’s website, should not be relied on as the main method;**
- b) NGOs should have the right to make public comments outside the Dialogues based on their observations. The only exceptions would be specific details provisionally nominated by DFAT as requiring non-disclosures on national security or privacy grounds, subject to later confirmation by the Parliament;**
- c) To assist Australian NGOs that find it hard to afford the travel costs to Canberra, Vietnam, or China, they should be given assistance with airfares;**
- d) As the Chinese and Vietnamese authorities have been known to arrest or beat up anyone they do not like, DFAT should provide diplomatic protection and safety monitoring during Australian NGOs’ time in these countries.**

3• The roles and obligations of participating agencies

The roles and obligations of participating agencies can be written as a list, but can also be boiled down to this: Given the political direction, and the aims, work to achieve them.

We think it is more productive to think along the above line. Once department heads know that the Minister and the Parliament want to see worthwhile and challenging aims achieved, then Department heads will be pleased if officials achieve and displeased if not. Then the self-organising principle will kick in: Department heads will choose the right people, the people will work earnestly, and their roles and obligations will neatly, almost automatically, fall into place.

The Parliament, we hope, would hold this attitude: It is prepared not only to see that reports are made and questions are answered, but also that Australia should stop or suspend the Dialogues if they do not achieve their aims and seem to have no hope of doing so.

We recommend that the FADT Committees from time to time consider the question of whether these Dialogues ought to be continued, and recommend their cessation or re-design, if they believe the Dialogue's aims are not sufficiently worthwhile or challenging, if the Dialogues are not achieving results they consider worthwhile, or if they believe the participating agencies are not making their best efforts.

4• Reporting requirements and mechanisms

As discussed above, Parliament has the oversight authority. For efficiency, oversight implies a reporting requirement.

For practical reasons, the Senate Estimates is not the most efficient mechanism. An additional efficient mechanism exists, in the regular work of the JSCDFAT and Senate FADT Committee ("FADT Committees").

We therefore recommend that:

- a) DFAT regularly report to FADT Committees about the Dialogues' progress and achievements or lack of;**
- b) Such reports should address specific aspects of monitoring (such as those recommended in the "Monitoring" Section) as requested by FADT Committees;**
- c) To ground reporting in reality and avoid getting off-track, all reporting should answer the key question: Have human rights improved for the peoples, and how?**

5• Monitoring and evaluation of human rights reforms

Presently, DFAT officials such as political attachés perform some monitoring about the host country's political situation, including its human rights situation. As far as we know, in Vietnam that monitoring is done mainly by literature review, or by talking to Communist Party officials in various guises (eg. Officials of mass organisations created by the ruling party).

We think the monitoring should use more information sources and rely more on them. Further, the monitoring should enable measuring the Dialogues' achievements of lack of.

In more detail, we recommend that

- a) **DFAT should provide appropriate resources to ensure that there are in-country officials for whom human-rights monitoring is a key part of their duty statement;**
- b) **The monitoring should give high priority to providing information enabling assessing how and whether the Dialogues, plus other rights-related activities, are progressing towards their aims;**
- c) **The monitoring should aim to rely less on information sources associated with the host-country authorities (ministries and, in the case of Vietnam, bodies under the Communist Party's Fatherland Front, such as the Women's Union) and more on other information sources. Specifically,:**
 - d) **Officials conducting monitoring should establish lines of communications with reputable NGOs not associated with the authorities. These organisations, such as Amnesty International, Human Rights Watch, etc., can then provide not just their widely-available reports but also, as trust is gained, useful information not in such reports;**
 - e) **Officials conducting monitoring should talk to ordinary citizens of the countries;**
 - f) **Officials conducting monitoring should, in particular, talk to a wide range of victims of the denial of rights;**
 - g) **Officials conducting monitoring should – as part of the above – talk to families of political prisoners, to learn about the situation in jail and to learn their side of the story;**
- h) **As part of setting down the reporting requirements, the FADT Committees should clearly lay down the need to do the above and report back.**

6• Adopt Dialogue mechanism with other countries?

From inside **Laos**, from time to time reports emerge about serious human rights abuses, including soldiers murdering dissidents and raping their women. Laos has been mostly off the international radar, probably not because there are no serious abuses but because of its opacity. However, more than with China and Vietnam, Australia may have sufficient leverage with Laos to effect significant improvements. Also, because trade between Laos and Australia is small, engaging in a Dialogue with Laos would make a clear statement to the international community that Australia cares about human rights for their own sake, not as a side path to trade and investment.

In **Burma**, the regime's human rights abuses are serious and fairly well known. Burma is potentially another country where a Dialogue may be considered.

Lacking specialist knowledge about these and other countries, we are not able to recommend any particular country. However, if there are to be more Dialogues, when should they start? We are among those who think that the existing Dialogues have not achieved much. We think it is better to

first demonstrate, in the case of Vietnam and China, that the Australian government has the strong political will to reform the existing Dialogues after this Inquiry, before committing resources to Dialogues with other countries.

7• Exploring options for alternative human rights mechanisms

First, we raise some general and rather important points:

- **First and foremost, tackle human rights abuses only if there is a strong and earnest political will to push hard to attain worthwhile aims.** We already made these points elsewhere but reiterate because they are fundamentally important. Target the very rights suppressed by the regimes. Do not piggyback in the false hope that polite nudges might work. Be prepared to confront when raising issues, or do not raise them at all. Talk without walk is more harmful than no-talk. If the political will is not there to do these things, the bureaucratic process will always be able to be ingenuously fudged, and means such as talk or giving aid become ends in themselves. In that case, Australia is better off spending its money and effort elsewhere;
- **Generally speaking, when choosing from the toolbox, talk-type tools such as Dialogues should not be relied on as the main tool,** and tools that more directly rather indirectly touch the peoples in target countries should be given higher priority.

Here, we provide some ideas for other human rights mechanisms that could be considered:

- **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.** Our group is helping to produce the Vietnamese version of a new censorship circumvention tool, called *alkasir*. Many other such tools exist, to help circumvent blockage, maintain anonymity, and avoid tracking. They need to be made accessible to potential Vietnamese and Chinese users. The cost for each translation is only in the order of hundreds of dollars per language;
- **In the same vein as above, but more systematic, Australia could collaborate with other countries' internet-freedom efforts.** For example, we are aware that the United States has been making efforts in this area, and there would be much that Australia can contribute in a collaboration;
- **As part of trade, vigorously defend and extend the requirements for citizens of the target countries to access all .au website domains.** Effective trade and investment clearly requires free access by people in those countries to .com.au domains. This also applies to all .au domains, because accessing .org.au, .gov.au, etc. domains is also necessary for gathering information required for trade and investment. Thus, trade packages (such as the TPPA currently in negotiations) should include a mechanism whereby a .au domain must not be blocked without Australia's consent, or must be unblocked if Australia requests;
- **Improve bilateral consular agreements to better protect human rights and other interests of Australian citizens visiting Vietnam.** Tens of thousands of Australians visit Vietnam every year. Some have been arrested for their political views. The Australia-Vietnam consular agreement stipulates, for example, that if Vietnam arrests an Australian citizen, then it must inform Australia within 3 working days, then within 2 working days must allow Australian consular staff to visit its detained citizen. Visits can then take place once a month. Presently, Australian consular staff cannot bring written messages from loved ones in Australia. We suggest that some things can be improved. First, the ministries which arrest and detain people work 7 days a week, so why restrict to working days? (A

Friday-morning arrest will not be known until Wednesday evening). Second, instant communications technologies are readily available, so why 3 days rather than same-day? Third, why the 2-day delay? Fourth, the once-a-month frequency seems overly strict. Fifth, why not allow written messages by loved ones? DFAT should look at these and other aspects of the consular agreements, and negotiate to improve protection for Australian citizens;

- **Australian government officials should talk to families of political prisoners.** As we suggested previously, if Australia expresses concerns for certain political prisoners, it should show that it means what it says. A natural way to do this is for Australian government officials to talk to families of political prisoners whom Australia has expressed concerns about. Permission should also be sought to visit the prisoners themselves. Several years ago, when the Vietnamese Australian community proposed this idea to the federal government, a reply (which we assume was written by a DFAT official) refused, one of the reasons was that this was too resource consuming. This is one clear example of misdirected ingenuity: Clearly, while it would take staff-weeks to visit many families, it would take only staff-hours to send invitation letters to these families then chat with them over cups of tea at the Australian consulate.

Summarising the above, we recommend that:

- a) **Human rights mechanisms should be attempted only if there is a strong and earnest political will to tackle and confront where necessary;**
- b) **Generally speaking, when choosing from the toolbox, talk-type tools such as Dialogues should not be relied on as the main tool, and tools that more directly rather indirectly touch the peoples in target countries should be given higher priority;**
- c) **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 software;**
- d) **In the same vein as above, but more systematic, Australia should collaborate with the US' internet-freedom efforts;**
- e) **As part of trade, vigorously defend and extend the requirements for citizens of the target countries to access all .au domains;**
- f) **Improve bilateral consular agreements to better protect human rights and other interests of Australian citizens visiting Vietnam and China;**
- g) **Australian government officials should meet families of political prisoners, in addition to meeting victims or rights abuses and ordinary citizens.**

We again thank the Sub-Committee for considering our Submission, and look forward to appearing before it.

-End-