

Adopting a bilateral human rights dialogue with other countries

Sri Lanka

- 7.1 The Committee received a substantial amount of evidence recommending that Australia adopt a human rights dialogue with Sri Lanka.
- 7.2 The Catholic Justice and Peace Commission recommended adopting a bilateral human rights dialogue between Australia and Sri Lanka.¹
- 7.3 Likewise, the Australian Tamil Congress posed the question:
- How best can Australia persuade Sri Lanka to follow a path of respecting human rights? The answer, we believe, is to take a broad approach through the similar dialogue mechanism that it adopts with China, Vietnam and others.²
- 7.4 Sydney PEN Centre and Civil Liberties Australia also supported this recommendation.³
- 7.5 DFAT told the Committee that when it comes to additional human rights dialogues:
- That is under consideration. We do take very seriously those issues and we are very much engaged on them.⁴

1 Catholic Justice and Peace Commission of the Archdiocese of Brisbane, *Submission No. 11*, p. 1.

2 Australian Tamil Congress, *Submission No. 7*, p. 7.

3 Mr Beckett, Sydney PEN Centre, *Transcript*, 1 February 2012, p. 10; Dr Klugman, Civil Liberties Australia, *Transcript*, 7 February 2012, p. 7.

- 7.6 On whether or not to undertake a dialogue with Sri Lanka, DFAT said that it was a 'matter of judgement':

I do not think there is any a priori reason why you would not or you would. It is a judgment call at the end of the day. Our minister's views would be very relevant on it.⁵

- 7.7 However, DFAT noted that engaging with Sri Lanka on human rights is different to engaging China and Vietnam. The Department argued that, due partly to the nature of Sri Lanka's political system, 'it is a very straightforward matter for us to engage on human rights issues.'⁶

Other countries

- 7.8 Several submitters suggested that Australia seek to adopt a bilateral human rights dialogue with other countries including Malaysia, Cambodia, Burma, Fiji, Papua New Guinea and Indonesia.

- 7.9 The Australian Council for International Development suggested that Australia adopt a dialogue with Malaysia, noting that:

At a minimum, such bilateral discussions can serve as a high-level arena in which the Australian Government and the Australian Parliament are able to raise questions about the adherence to the human rights protections written into the optional guidelines for the agreement on transfers and resettlement of asylum seekers and refugees.⁷

- 7.10 Furthermore, ACFID put forward its view that Malaysia's lack of a human rights framework was concerning:

We picked Malaysia particularly because we were concerned about the debate at the time around offshore processing and Malaysia not having a human rights framework.⁸

- 7.11 ACFID also put Cambodia forward as a potential dialogue partner, arguing that the advances made in human rights must be protected:

4 Ms Bird, DFAT, *Transcript*, 1 November 2011, p. 8.

5 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 19.

6 Ms Stokes, DFAT, *Transcript*, 5 March 2012, p. 19.

7 Australian Council for International Development, *Submission No. 14*, p. 3.

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

As Cambodia continues to move past its violent and authoritarian history of the late 1970s, it remains of critical importance to insulate and protect fragile conceptions of human rights. With recent attention to areas of concern, including border skirmishes with Thailand, the forced eviction of residents living around the Boeung Kak Lake and a growing disinterest in pursuing vigorously suspects being tried through the Extraordinary Chambers of the Courts of Cambodia, it is important that Australia have an established avenue for frank exchange about human rights in the domestic context of both countries.⁹

- 7.12 ACFID expanded on this idea at a public hearing, expressing its concerns about the deterioration of the situation of civil society actors in Cambodia:

...the environment for civil society is getting much tougher at the moment. That is why we see it as a priority. We are seeing some really difficult things play out in terms of tax reform in Cambodia, which means that NGOs are being deregistered and are having a very difficult time. That is why.¹⁰

- 7.13 However, ACFID also added a note of caution about establishing new dialogues:

Whether this dialogue mechanism should be adopted with other countries, our view is not unless you properly resource these ones first. We have had 11 years or longer of not really knowing what progress they are making. We think it would probably be unwise to just replicate the process with other countries until you have sorted that out.¹¹

- 7.14 The Committee to Protect Vietnamese Workers recommended that Australia consider establishing a human rights dialogue with Burma, stating that 'the regime's human rights abuses are serious and fairly well known.'¹²

- 7.15 Sydney PEN Centre told the Committee that, due to increasing restrictions on the press, it would be a good idea to conduct a human rights dialogue with Fiji.¹³

9 Australian Council for International Development, *Submission No. 14*, p. 3.

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

11 Dr Harris-Rimmer, Australian Council for International Development, *Transcript*, 11 October 2011, p. 2.

12 Committee to Protect Vietnamese Workers, *Submission No. 18*, p. 10.

13 Mr Beckett, Sydney PEN Centre, *Transcript*, 1 February 2012, p. 10.

- 7.16 Civil Liberties Australia saw Papua New Guinea and Indonesia as candidates for new human rights dialogues, largely due to their geographical proximity to Australia, and the importance they hold to Australia as a result.¹⁴
- 7.17 The Catholic Archdiocese of Brisbane agreed that Indonesia would be a good candidate for a bilateral dialogue, calling for:
- ...some consideration for extending dialogue to Indonesia around human rights issues in that country and particularly in the Papuan provinces.¹⁵

Committee comment

- 7.18 As noted in Chapter 2, the Committee has recommended that the Australian Government consider re-establishing its bilateral human rights dialogue with Iran.
- 7.19 As part of its deliberations for the inquiry, the Committee heard from witnesses that suggested establishing dialogues with Indonesia, Malaysia, Burma, Papua New Guinea, Cambodia and Fiji.
- 7.20 The Committee believes that it is important to continually monitor and evaluate the human rights situation of the countries in Australia's region.
- 7.21 Any evaluation of these countries' human rights practices should cover internationally recognised individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights.
- 7.22 The ongoing human rights reviews should also include an assessment of whether Australia should adopt a human rights dialogue with these countries.
- 7.23 As noted in Chapter two, the Committee believes that Australia's bilateral human rights dialogue process is worthwhile and should continue as part of a multifaceted human rights approach.
- 7.24 The Committee notes that Australia has taken steps to urge the Sri Lankan Government to address the alleged human rights abuses committed by both sides during the course of the armed conflict directly with the Government and in multilateral fora such as the UN.

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

15 Mr Arndt, Catholic Justice and Peace Commission of the Archdiocese of Brisbane, *Transcript*, 5 March 2012, p. 1.

- 7.25 Establishing a human rights dialogue between Australia and Sri Lanka would enhance Australia's multifaceted human rights approach.
- 7.26 The Committee has therefore formed the view that the Australian Government should make representations to the Sri Lankan Government, both directly and indirectly, to open a formal human rights dialogue which consists of a Human Rights Technical Cooperation program.
- 7.27 Establishing a human rights technical cooperation program in conjunction with the dialogue would also enable Australia to provide its expertise in the HRTC programs three key priority areas of legal reform, women and children's rights and ethnic minority rights. This is a way for Australia to meaningfully contribute towards the reconciliation process.

Recommendation 10

The Committee recommends that the Australian Government should make representations to the Sri Lankan Government to open a formal human rights dialogue. A human rights technical cooperation program should also be established in conjunction with the dialogue.