

Reporting Requirements and Mechanisms

Current Level of Engagement

Department of Foreign Affairs and Trade

- 5.1 At present DFAT is not formally required to report publicly on Australia's bilateral human rights dialogues, although the Department does report to the Minister on the outcomes of each dialogue.¹
- 5.2 The Minister is not obligated to report to the Parliament.
- 5.3 DFAT reports privately to parliamentary committees and individual parliamentarians on request.²
- 5.4 In addition, DFAT reports to NGOs on the dialogues at its biannual human rights consultations. DFAT also offers private briefings to interested NGOs on request.³

Human Rights and Equal Opportunity Commission

- 5.5 HREOC has a similar standing offer to provide interested NGOs with briefings on the technical cooperation aspects of the dialogues.⁴
- 5.6 The HREOC submission states that it reports extensively on the technical cooperation programs:

"For each activity the Commission prepares a comprehensive Completion Report which describes and evaluates the activity against its objectives."⁵

1 Submission no. 17, DFAT, p. 11

2 Submission no. 17, DFAT, p. 11

3 Submission no. 17, DFAT, p. 11

4 Submission no. 14, HREOC, p. 6

- 5.7 In the case of China, a number of additional reports are prepared, namely monthly progress reports on individual projects and quarterly and annual reports on the overall program. An annual Program Review and Planning Mission Report details the previous year's program and outlines the following year's activities.⁶

AusAID

- 5.8 The HREOC submission states that the Commission provides copies of its reports to AusAID and a small amount of information from them is placed on the AusAID and DFAT websites.⁷

Issues and Conclusions

- 5.9 A number of submissions to the inquiry sought additional reporting requirements and mechanisms to, in their view, ensure greater transparency, accountability and credibility of the human rights dialogues.⁸ As referred to in Chapter 2, changes were suggested in the context of increasing parliamentary participation and oversight of the process. To this effect the most common recommendations were:
- that the Minister for Foreign Affairs should be formally required to table a report on the human rights dialogues in the Parliament;⁹ and/or
 - that a report on the human rights dialogues should be referred to the Joint Standing Committee on Foreign Affairs, Defence and Trade or its Human Rights Sub-Committee for review.¹⁰

Another suggested means to increase transparency of the process was:

- that the participating agencies place more and/or clearer information about the human rights dialogues on their respective websites.¹¹

- 5.10 At the public hearing, the Committee raised these issues with witnesses.

5 Submission no. 14, HREOC, p. 7

6 Submission no. 14, HREOC, p. 7

7 Submission no. 14, HREOC, p. 7

8 See Submission no. 3, Mr John Greenwell, p. 3, Submission no. 4, Australian Bahai'i Community, p. 4, Submission no. 5, Joint Non-Government Organisations, p.2, Submission no. 6, ACFID, p. 11, Submission no. 7, International Commission of Jurists, p. 1, Submission no. 8, Amnesty, p. 7, & Submission no. 15, Vietnamese Community in Australia, p. 2

9 Submission no. 2, Human Rights Council of Australia, p. 3, Submission no. 6, ACFID, p. 11, & Submission no. 8, Amnesty, p. 9

10 Submission no. 8, Amnesty, p. 8, Submission no. 15, & Vietnamese Community of Australia, p. 4

11 Submission no. 6, ACFID, p. 11, Submission no. 15, Vietnamese Community of Australia, p. 2

Annual Report

- 5.11 At the hearing, the Committee sought further comment on the need and scope for reporting to Parliament on the human rights dialogues.
- 5.12 ACFID told the Committee that there is no systematic public accountability through the parliamentary processes.¹² ACFID suggested that this could be addressed through the establishment of an annual report:
- “[The annual report] would contain a synopsis of the overall aim of undertaking the dialogue and the specific objectives for that particular dialogue or future dialogues. It would discuss the outcomes. It would outline issues that the partner country specifically raised with regard to their own human rights concerns as well as human rights concerns in Australia. It would conclude with a vision or a statement...of how human rights dialogues might persist in the future.”¹³
- 5.13 ACFID said that the European Parliament undertakes an annual reporting process with its human rights dialogues with partner countries and that this provided Australia with a model.¹⁴
- 5.14 Amnesty also endorsed the idea of an annual report on the human rights dialogues and reiterated the point it made in its written evidence that an annual report would increase accountability by indicating for example, where the same subject was discussed at the previous year’s dialogue, how the present situation stands in light of that discussion:¹⁵
- “...it would be important in the following year to follow up on what has been happening: are reforms being implemented? We have had nothing like that occurring in the dialogue.”¹⁶
- 5.15 The Committee acknowledges the need for regular public reporting on the human rights dialogues and their associated technical cooperation activities. At the hearing, the Committee noted that some of the current forms of reporting, in particular HREOC’s reports on the technical cooperation activities, are quite detailed.¹⁷
- 5.16 The Committee appreciates the briefings it receives from DFAT on the human rights dialogues, recognises that both DFAT and HREOC have standing offers to brief interested NGOs on the dialogues and technical
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12 Official Transcript of Evidence, ACFID, p. 6

13 Official Transcript of Evidence, ACFID, p. 12

14 Official Transcript of Evidence, ACFID, p. 6

15 Submission no. 8, Amnesty, p. 9

16 Official Transcript of Evidence, Amnesty, p. 32

17 Official Transcript of Evidence, p. 34

cooperation programs, and that DFAT institutionalises its debriefs on the human rights dialogues in formal biannual consultations with NGOs.

- 5.17 However, the fact remains that there is no formal reporting requirement for the dialogues. The Committee would like to see the bilateral human rights dialogues reported on to Parliament with information about them placed on the public record. The Committee recommends that the Minister for Foreign Affairs table an annual statement on the dialogues in Parliament.
- 5.18 The Committee does not necessarily think that the Minister's report must take the form of an annual report, nor does it wish to suggest the specific content or form of an annual statement, but the statement should summarise the current status of each of Australia's human rights dialogues with China, Vietnam and Iran and note any special outcomes or developments for that year.

Recommendation 4

The Committee recommends that the Minister for Foreign Affairs table an annual statement in Parliament on the status and proceedings of each of Australia's bilateral human rights dialogues with China, Vietnam and Iran.

- 5.19 DFAT might also like to give consideration to providing more information on the human rights dialogues in its annual report. DFAT's 2003-04 annual report only devoted three short paragraphs to the dialogues.¹⁸

Committee Review

- 5.20 Amnesty's recommendation that a report be referred to the Human Rights Sub-Committee for inquiry and report,¹⁹ was a topic of discussion at the hearing between Amnesty and the Committee.
- 5.21 Amnesty argued that the human rights dialogue process would be made more accountable if a report, either from the Minister or the Australian delegation, on each dialogue, was presented to the Human Rights Sub-Committee for independent examination and assessment.²⁰
- 5.22 The Committee expressed reservations about whether it was the Committee's role to undertake comprehensive assessments of the sort that

18 See DFAT Annual Report 2003-04, p. 93

19 Submission no. 8, Amnesty, p. 9

20 Official Transcript of Evidence, Amnesty, p. 34

Amnesty was advocating and whether it had the necessary expertise, time and resources to do such a review justice:

“We have no capacity to go on the ground and find out who is saying what and who makes an assessment...How does this Committee evaluate those? How do we judge as between you and the other institutions - all of the international human rights watches and whatever...?”²¹

- 5.23 Amnesty responded that the review would allow the Committee to make a judgement about whether or not a particular dialogue had been successful and would ensure that information on the status of the dialogues and their achievements was being made available to Parliament, with the process held to account.²² Amnesty commented that:

At the moment there is a notable lack of information coming through...”²³

- 5.24 The Committee replied that it did not necessarily need to review each and every dialogue to measure the success or otherwise of the human rights dialogue process:

“We can make an assessment on the basis of what people have said to us, what HREOC has said to us and what other submitters say to us, as to whether [the human rights dialogues] are useful or not. And I think we have come to the conclusion that it is.”²⁴

- 5.25 The Committee wishes to continue and develop its oversight role in the bilateral human rights dialogues. This role has already been discussed in Chapter 2, in which the Committee concluded that it wishes to see its participation in and oversight of the dialogue sessions supported and formalised (see Recommendation 2). This will ensure that there is regular reporting on the dialogues to the Parliament and monitoring, via the Committee.

Website Improvements

- 5.26 ACFID’s submission stated that DFAT’s website²⁵ currently provides a minimal history and background of Australia’s human rights dialogues with China, Vietnam and Iran.²⁶

21 Official Transcript of Evidence, pp. 33 - 34

22 Official Transcript of Evidence, Amnesty, p. 33

23 Official Transcript of Evidence, Amnesty, p. 34

24 Official Transcript of Evidence, Amnesty, p. 33

25 http://www.dfat.gov.au/hr/dialogue_general.html

26 Submission no. 6, ACFID, p. 11

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- 5.27 The Committee believes that DFAT, as the lead agency responsible for Australia's bilateral human rights dialogues, should provide a sufficient level of detail about the dialogues and the dialogue process on its website, as a valuable outreach tool to NGOs, civil society and the public at large.
- 5.28 In addition to information on the history and background of the dialogues, current information about the dialogues and moreover the dialogue process should be included. Consideration might be given to incorporating some or all of the following:
- displaying more clearly the information on the status of each of the dialogues with China, Vietnam and Iran, including emphasising any developments worthy of particular merit e.g. at the eighth round of talks in China in October 2004 meetings were held - for the first time - between Australian NGOs and Chinese officials. This might be assisted by reversing the chronological format and placing the summary of the most recent dialogue first;
 - dates of upcoming dialogue sessions in Australia or dialogue partner countries and the agendas or topics to be discussed, to the extent that such matters can be revealed publicly;
 - details of how NGOs, civil society and interested individuals are able to keep informed about and/or engage in the human rights dialogue process themselves (through attendance at biannual DFAT-NGO consultations, preparing written submissions, and/or meeting with departmental representatives privately);
 - links to the relevant website pages of the other participating agencies, namely AusAID and HREOC, which provide information on the technical cooperation aspects of the dialogue process; and
 - details of a liaison officer within DFAT whom NGOs and interested individuals can contact if they have further questions on any aspect of the bilateral human rights dialogues or human rights dialogue process.
- 5.29 The AusAID website contains information on the Australia-China Human Rights Technical Cooperation Program.²⁷ These website pages were last updated on 29 January 2002.
- 5.30 The Committee believes that it is important for these pages to be updated regularly with current information on the status of the program and recent developments.
- 5.31 The HREOC website contains a small amount of information on HREOC's technical cooperation activities with China and Vietnam in Chapter 11 on

27 http://www.ausaid.gov.au/publications/pubout.cfm?Id=87_9423_3287_2420_3651

International Activities in its 2003-04 annual report.²⁸ The Committee suggests that HREOC consider adding a section on the Commission's international activities to its website, and include details about the Commission's technical cooperation activities with each of Australia's dialogue partner countries.

Recommendation 5

The Committee recommends that the Department of Foreign Affairs and Trade, the Australian Agency for International Development and the Human Rights and Equal Opportunity Commission, make more effective and regular use of their websites to convey up-to-date information on those aspects of Australia's bilateral human rights dialogues with China, Vietnam and Iran, for which they have responsibility.

28 <http://www.humanrights.gov.au/annrep04/chap11.html>.

