

Involvement of non-government organisations

- 4.1 Civil Liberties Australia (CLA) submitted that both civil society and non-government organisations (NGOs) played a positive role in the human rights dialogue process adding that the ‘involvement of independent NGOs would bring greater transparency and credibility to the process and lead to more effective outcomes.’¹
- 4.2 The Australian Baha’i Community agreed that the dialogue process would benefit from greater involvement of NGOs. The Baha’i Community expanded on their view, stating that greater NGO involvement:
- would bring the NGOs unique expertise and experience to the dialogue process;
 - would offer a dynamic example in practice of the constructive role civil society can play in promoting and protecting human rights;
 - would have the benefit of bringing greater transparency and credibility to the dialogue process; and
 - could assist in creating or strengthening links between Australian NGOs and NGOs working to address human rights issues in the countries with which Australia conducts its dialogues.²
- 4.3 The Baha’i Community also expressed a view that NGOs could play a potential role in the monitoring and assessment of the outcomes of human rights dialogues.³

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

2 Australian Baha’i Community, *Submission no. 12*, p. 2.

3 Australian Baha’i Community, *Submission no. 12*, p. 2.

4.4 The Baha'i Community added that it was 'important that the NGOs involved in dialogue be genuine and independent organisations with an established track record of defending human rights, and not government-sponsored organisations.'⁴

4.5 The Baha'i Community recommended that an NGO forum be held both before and after the dialogues in order for NGOs to brief members of the Australian delegation:

The other area in which we see potential for a greater involvement of NGOs is in helping to prepare the delegations before the dialogues and in meeting with them afterwards about the results. In this respect we have highlighted the previous recommendation of the committee that the dialogues be preceded by a forum at which NGOs can brief delegation members. It seems to us that this may be a more constructive and effective process than the current one by which NGOs are simply invited to provide a written document to the department.⁵

4.6 The NSW Falun Dafa Association (FDA) recommended that the Australian Government hold a 'briefing/ forum with local NGOs before and after the human rights dialogue, and that the dialogue supports the involvement of both local and Chinese NGOs without the censorship of the Chinese Communist Party.'⁶ The FDA added:

Truly allowing a Chinese delegation to engage in substance and detail with Australian NGO counterparts would lead to better understanding of human rights issue in China, and could help raise awareness and desire for implementation of UN human rights instruments.⁷

4.7 The Committee to Protect Vietnamese Workers (CPVW) suggested that NGOs attend the human rights dialogues as observers, adding that it would make the dialogues publicly transparent and accountable.⁸ The CPVW recommended:

- DFAT [Department of Foreign Affairs and Trade] 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

4 Australian Baha'i Community, *Submission no. 12*, p. 2.

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

6 NSW Falun Dafa Association, *Submission no. 16*, p. 5.

7 NSW Falun Dafa Association, *Submission no. 16*, p. 5.

8 Committee to Protect Vietnamese Workers, *Submission no. 18*, p. 8.

to frequently check and look for in DFAT's website, should not be relied on as the main method;

- 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;
- 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; and
- 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.⁹

4.8 The Australia Tibet Council (the Council) indicated that it would be beneficial if DFAT held a meeting with NGOs prior to a dialogue to obtain feedback and strategise on the approach.¹⁰ The Council also recommended 'establishing parallel dialogues between NGOs, human rights experts, academics and other interest groups from each country.'¹¹ The Council added that the 'dialogue should involve participation of NGOs and representatives from civil society working in the human rights area in Tibet and China.'¹²

4.9 The Vietnamese Community in Australia (VCA) also suggested a similar proposal to the Council, recommending that:

...an Australian Human Rights Advisory Group be set up comprising representatives of the Human Rights Sub-Committee, DFAT/AusAID and relevant NGOs such as the VCA (who are entitled to observe the HR Dialogues when they are held in Australia).¹³

4.10 Block 8406 indicated that it was important to involve NGOs in the human rights dialogue process.¹⁴

4.11 The Unified Vietnamese Buddhist Congregation of Australia and New Zealand also indicated that a select group of NGOs should participate in the human rights dialogues.¹⁵

9 Committee to Protect Vietnamese Workers, *Submission no. 18*, p. 8.

10 Mr Bourke, Australia Tibet Council, *Transcript*, 5 September 2011, p. 7.

11 Australia Tibet Council, *Submission no. 4*, p. 12.

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

13 Vietnamese Community in Australia, *Submission no. 9*, p. 4.

14 Dr Kim-Song, Bloc 8406, *Transcript*, 24 February 2012, p. 26.

- 4.12 The Australian Council for International Development (ACFID) put forward a view that Australia does not take a coordinated approach to the dialogues, noting that there are not many strategic conversations between NGOs, DFAT, the Commission, and AusAID and no feedback after the dialogues.¹⁶
- 4.13 ACFID noted that it had been invited to give comments or submit a report in advance of the human rights dialogues, but that the invitation is usually at very short notice and there is no discussion or interaction after the comments are provided.¹⁷
- 4.14 ACFID wanted 'to see a planned, pragmatic but strategic approach that sees NGOs as possible partners to make the dialogues more effective.'¹⁸ ACFID also stated that it 'would like a performance indicator or a benchmark to bear how meaningful is the participation of NGOs and the process.'¹⁹
- 4.15 ACFID added that 'Australia should also highlight with all countries involved in human rights dialogues its expectations that civil society will be consulted and actively involved in the dialogue processes.'²⁰
- 4.16 The Australian Human Rights Commission (the Commission) supported the involvement of NGOs in the dialogues stating that 'they are a valuable source of information and experience and their participation gives the dialogue process added credibility, transparency and accountability.'²¹
- 4.17 The Commission also pointed out that the Human Rights Technical Cooperation (HRTC) Programs are good at engaging very large number of Australian organisations, including NGOs, 'in quite in-depth discussions with their Chinese and Vietnamese counterparts about practical measures to improve human rights.'²² The Commission added that it asks Australian NGOs, who provide technical input into the HRTC programs,

15 Most Venerable Thich Quang Ba, Unified Vietnamese Buddhist Congregation of Australia and New Zealand, *Transcript*, 1 February 2012, pp. 25-26.

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

17 Ms Scrine, Australian Council for International Development, *Transcript*, 11 October 2011, p. 5.

18 Dr Harris Rimmer, Australian Council for International Development, *Transcript*, 11 October 2011, p. 1.

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

20 Australian Council for International Development, *Submission no. 14*, p. 8.

21 Australian Human Rights Commission, *Submission no. 17*, p. 6.

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

to provide either written or verbal reports to monitor and evaluate the programs.²³

4.18 The Commission stated that the Australian Government should maintain its initiatives to engage NGOs including:

...seeking written submissions from interested NGOs for incorporation into the brief which DFAT provides to Australian delegates, raising their concerns during the formal Dialogue session and providing debriefs on the Dialogues during the regular DFAT-NGO consultations on human rights and on other occasions.²⁴

4.19 It also suggested exploring a few ways in which NGO engagement could be enhanced:

...inviting NGOs to attend the Dialogue meetings in an observer capacity, holding informal seminars with NGOs in conjunction with the formal Dialogue, and conducting 'parallel Dialogues' involving NGOs, academics and legal experts at the same time as, but separate from, the government meeting.²⁵

4.20 The Commission, however, also highlighted some concerns with any increase in NGO engagement:

- maintaining the trust and confidence of the overseas dialogue partners also means that steps to increase the engagement of NGOs needs to be pursued carefully and with sensitivity;
- while most NGOs would be acceptable to dialogue partners there would be some that would be considered unacceptable as direct interlocutors;
- efforts to secure direct involvement of NGOs could make the dialogues unmanageable and unfruitful; and
- reaching a point where Australian and overseas NGOs achieve an optimum level of involvement in the Dialogues will inevitably be an incremental process.²⁶

4.21 Ms Dao expressed a concern about the independence of NGOs in Vietnam and suggested that:

23 Mr Robinson, Australian Human Rights Commission, *Transcript*, 1 February 2012, p. 3.

24 Australian Human Rights Commission, *Submission no. 17*, p. 6.

25 Australian Human Rights Commission, *Submission no. 17*, p. 6.

26 Australian Human Rights Commission, *Submission no. 17*, p. 7.

...Australia no longer involves government-organised human rights organisations in Vietnam in the human rights dialogue process unless there is evidence that they have helped bring about basic freedoms such as freedom of expression, freedom of the press and freedom of information for the people of Vietnam.²⁷

- 4.22 The Vietnam Committee on Human Rights (VCHR) also expressed concerns about the independence of NGOs in Vietnam, stating:

There are no independent associations, trade unions, human rights NGOs or civil society organisations in Vietnam. All associative activity is controlled by the Communist Party and the Vietnam Fatherland Front, a para-governmental umbrella body of 'mass organisations'.²⁸

- 4.23 ACFID also queried the independence of China and Vietnam's civil society organisations, stating:

...sometimes they [China or Vietnam] would say they have got NGOs on their delegation but we might query whether they are civil society organisations in the way we would understand civil society organisations. They are heavily linked to government.²⁹

- 4.24 The VCHR did, however, call for Australian NGOs to be briefed and debriefed before and after the human rights dialogues and for international and Australian NGOs to provide input into the Human Rights Technical Cooperation Program.³⁰

- 4.25 In its submission, DFAT noted that it seeks submissions from non-government organisations (NGOs) for possible issues to be raised at the human rights dialogues. DFAT stated:

Since the HRDs were reviewed in 2005 by the [Joint Standing Committee on Foreign Affairs, Defence and Trade] JSCFADT, and in order to ensure Australian delegations to the dialogues are aware of the views and interests of NGOs, before each round of dialogue, DFAT writes to interested NGOs seeking their input and suggestions for issues to be raised at the dialogue. Submissions are collated and provided to members of the Australian delegation, and inform the briefing prepared for the delegation. NGO input

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

28 Vietnam Committee on Human Rights, *Submission no. 19*, p. 3.

29 Dr Harris Rimmer, Australian Council for International Development, *Transcript*, 11 October 2011, p. 5.

30 Vietnam Committee on Human Rights, *Submission no. 19*, pp. 4-5.

has been helpful in preparing the lists of individual human rights cases handed over in connection with each round of dialogue.³¹

4.26 DFAT commented that it:

- seeks submissions from a pool of NGOs that it consults on a regular basis on general human rights issues;
- works with umbrella NGOs such as ACFID and the Australian Forum of Human Rights Organisations;
- provided information on the dialogues in response to ministerial correspondence from NGOs, community groups and individuals; and
- runs regular DFAT-NGO human rights consultations which contain a segment which allows NGOs to ask questions following presentations given on the outcomes of the China and Vietnam human rights dialogues.³²

4.27 According to the DFAT Annual Report 2010-11, in June 2011 'the department co-hosted the second Australian Government – NGO Human Rights Forum with the Attorney-General's Department.'³³

4.28 DFAT pointed out that its engagement with NGOs had been ad-hoc to date but was of the view that it could make it more systematic and regular, stating:

- we are looking to ensure that both before and after each of the dialogues we have a systematic engagement with NGOs;
- we can do much more in the post-dialogue sense to provide feedback to the NGOs; and
- we are looking to try to get more integration of NGOs into the program, to the extent that our counterpart country will commit.³⁴

4.29 DFAT indicated that it would be taking the following steps to enhance NGO involvement:

- giving NGOs a longer lead time for making submissions prior to dialogues, before dates are confirmed;

31 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11.

32 Mr Kang, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, pp. 2-3; Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11.

33 Department of Foreign Affairs and Trade, *Annual Report 2010-11*, p. 102.

34 Ms Bird, Dr Smith, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, pp. 2-3.

- routinely de-briefing NGOs after each dialogue; and
 - expanding the interaction between Australian NGOs and visiting delegations (noting that NGOs cannot be present during all interactions).³⁵
- 4.30 DFAT, at a public hearing, acknowledged that it would be sensible to initiate a report back mechanism to increase its engagement with NGOs.³⁶

Non-government organisations' involvement in the China dialogue

- 4.31 Prior to the 14th Australia-China Human Rights Dialogue DFAT wrote to nineteen NGOs inviting them to make a submission.³⁷
- 4.32 Prior to the 13th Australia-China Human Rights Dialogue, DFAT wrote to seventeen NGOs inviting them to make a submission and received twelve submissions. DFAT added that it received submissions from six of those NGOs.³⁸
- 4.33 Prior to the 12th Australia-China Human Rights Dialogue, DFAT wrote to nineteen NGOs inviting them to make a submission and received twelve submissions in response.³⁹
- 4.34 A list of all the NGOs that DFAT has written to inviting submissions in advance of the human rights dialogues with China since 2009 is provided at Appendix E.
- 4.35 DFAT advised that 'NGO representatives are not part of the official Australian delegation to the Australia-China HRD.'⁴⁰ DFAT added that it facilitates contact between NGOs and the Chinese delegation by inviting Australian NGO representatives to attend human rights dialogue events that run parallel to the formal dialogue when Australia is hosting the dialogue and briefing NGOs following a dialogue.⁴¹

35 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 23.

36 Ms Stokes, Department of Foreign Affairs and Trade, *Transcript*, 5 March 2012, p. 15.

37 Department of Foreign Affairs and Trade, *Submission no. 26*, p. 4.

38 Department of Foreign Affairs and Trade, *Submission no. 26*, p. 7.

39 Department of Foreign Affairs and Trade, *Submission no. 26*, p. 8.

40 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11.

41 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11.

- 4.36 DFAT indicated that it has regular contact throughout the year with Tibet supporters and other NGOs interested in China either through meetings or on the phone.⁴²
- 4.37 DFAT also highlighted that Chinese civil society organisations met with an Australian delegation for the first time as part of the 13th human rights dialogue in Beijing in 2010.⁴³

Non-government organisations' involvement in the Vietnam dialogue

- 4.38 Prior to the 8th Australia-Vietnam Human Rights Dialogue DFAT wrote to seven NGOs inviting them to make a submission and received two submissions in response.⁴⁴
- 4.39 Prior to the 7th Australia-Vietnam Human Rights Dialogue, DFAT wrote to the 'Australian Forum of Human Rights Organisations requesting the Forum to distribute the notice to interested NGOs.' At that time, DFAT received four submissions.⁴⁵
- 4.40 A list of all the NGOs that DFAT has written to inviting submissions in advance of the human rights dialogues with Vietnam since 2009 is provided at Appendix E.
- 4.41 DFAT advised the Committee that the NGOs involved in the Australia-Vietnam human rights dialogue are engaged in a similar way with:
- Ad-hoc briefing sessions for NGOs on the outcomes of the Australia-Vietnam Human Rights Dialogue;
 - NGO representatives attending human rights dialogue events that run parallel to the formal dialogue when Australia is hosting; and
 - regular contact throughout the year with NGOs interested in Vietnam either through meetings or on the phone.⁴⁶
- 4.42 DFAT added that the Vietnamese community actively writes to the Foreign Affairs Minister throughout the year, stating:

42 Mr Rowe, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 3.

43 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11.

44 Department of Foreign Affairs and Trade, *Submission no. 26*, p. 4.

45 Department of Foreign Affairs and Trade, *Submission no. 26*, p. 7.

46 Department of Foreign Affairs and Trade, *Submission no. 20*, p. 11; Mr Borrowman, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 3.

Another important tool of liaison with the community about human rights, not only in terms of the dialogues but also throughout the year, is ministerial correspondence. The Vietnamese community is very active in the ministerial correspondence sphere – less so in coming to see us.⁴⁷

Broader role for non-government organisations

- 4.43 Two organisations, Block 8406 and the ICJ, suggested a broader role that NGOs could play outside the work of the human rights dialogues.
- 4.44 Block 8406 advocated for a broader NGO role recommending that the Australian Government establish a local visiting team, comprised of staff from NGOs and the local Diplomatic Post as well as Vietnamese Australians, to periodically visit target cases and file appropriate reports.⁴⁸
- 4.45 The ICJ suggested that the Australian Government allow NGOs to receive tax deductible donations from the general public make to conduct human rights public education and public efficacy programs to stimulate more of a debate.⁴⁹ The ICJ submitted that NGOs were more successful than the Australian Government in communicating a message and acknowledged that the Australian Government would have no control over how the message was communicated.⁵⁰

Committee comment

- 4.46 NGOs, civil society, and the Diaspora communities in Australia all play an important role in the human rights dialogue process, as well as more broadly in the protection and promotion of human rights both nationally and internationally.
- 4.47 To date, DFAT's engagement with this wider human rights caucus has been ad-hoc at best. Input is only sought from a select number of groups and feedback on that input is only provided by DFAT upon making a specific request.

47 Mr Borrowman, Department of Foreign Affairs and Trade, *Transcript*, 1 November 2011, p. 3.

48 Bloc 8406, *Submission no. 10*, p. 2.

49 Mr Suter, International Commission of Jurists, *Transcript*, 5 September 2011, p. 10.

50 Mr Suter, International Commission of Jurists, *Transcript*, 5 September 2011, pp. 10-11.

- 4.48 The Committee appreciates DFAT's acknowledgement that its engagement with the human rights caucus could be more systematic and regular and that it would be appropriate to initiate a report back mechanism.
- 4.49 The Committee therefore recommends that the Australian Government establish a human rights web portal that provides a central access point for all human rights matters for the Australian Government, NGOs, civil society, the Diaspora communities in Australia, and concerned individuals.
- 4.50 The web portal should link users directly with news, reports and explanatory information, both nationally and internationally, from DFAT, AGs, AusAID, the Commission and other resources.
- 4.51 Establishing a human rights web portal will enable these Departments and agencies to improve their reporting of human rights, the human rights dialogues and its HRTC programs, as well as increase the transparency of Australia's efforts to promote and protect human rights.
- 4.52 The web portal should contain an area dedicated to Australia's human rights dialogues which, in addition to providing users with information about the dialogues, allows users to send in submissions or reports about human rights abuses and receive feedback.

Recommendation 6

The Committee recommends that the Australian Government establish a human rights web portal that provides a central access point for all human rights matters for the Australian Government, non-government organisations, civil society, the diaspora communities in Australia, and concerned individuals.

- 4.53 The Committee notes that DFAT and AGs co-host the Australian Government - NGO Human Rights Forum. While this forum is an opportunity to provide briefings on measures the Government is taking to protect and promote human rights at home and abroad, a very small component is focused on Australia's human rights dialogues. The Forum also provides little opportunities for active debate on the issues.
- 4.54 The Committee sees merit in establishing a biennial meeting between DFAT, AGs, NGOs, civil society, the Diaspora communities in Australia, and concerned individuals to discuss Australia's human rights dialogues.

- 4.55 The biennial meeting should be held alternately in Melbourne, Sydney and Brisbane to ensure that each community has an opportunity to provide input into the human rights dialogue process.

Recommendation 7

The Committee recommends that the Australian Government establish a biennial meeting, to be held alternately in Melbourne, Sydney, and Brisbane, with non-government organisations, civil society, the Diaspora communities in Australia, and concerned individuals to discuss Australia's human rights dialogues.