



Australian Government

Department of Foreign Affairs and Trade

27 May 2014

Dr Sev Ozdowski OAM FAICD
Australian Council for Human Rights Education
PO Box A959
Sydney South NSW 1235

Dear Dr Ozdowski

On 6 May, DFAT Deputy Secretary Gillian Bird, who led the Australian delegation, held a meeting with Australian NGO representatives to discuss the outcome of the recent Human Rights Dialogue. I attach an overview of that meeting, as well as further information on the Australia-China Human Rights Technical Cooperation Program, DFAT's media release on the Dialogue, and the transcript of the joint press conference that followed the Dialogue.

The government values the work of Australian NGOs in the area of human rights and welcomes your continuing input and advice on these important issues.

Yours sincerely

A handwritten signature in blue ink that reads 'Sally Moyle'.

Sally Moyle
Assistant Secretary
Human Rights and Gender Equality Branch

Department of Foreign Affairs and Trade

15th Australia-China Human Rights Dialogue: summary of debrief session with Australian NGOs

Date: 6 May 2014

Deputy Secretary Ms Gillian Bird thanked NGOs for their input to the Government's human rights dialogues, including the 15th Australia-China Human Rights Dialogue.

Ms Bird said Australia's human rights dialogue with China had begun in 1997 as an officials-only meeting between foreign ministries, and had since evolved to become a wide-ranging discussion between delegates including parliamentarians, senior officials from a range of agencies, and the Australian Human Rights Commission. The frank and constructive manner under which the 15th Australia-China Human Rights Dialogue had been conducted was a significant improvement over the early dialogues when the Chinese side spoke only in broad generalities and refused to engage on specifics.

Ms Bird reported that in the recent dialogue Australia had raised a broad range of concerns, including: freedom of speech, association and the media; legal reform and the rights of lawyers; ethnic minorities, including in Tibet and Xinjiang; the petition system; freedom of religion; forced labour; the death penalty; and organ harvesting. Australia also raised individual cases of concern and urged China to release all individuals detained for peacefully expressing their political views.

NGOs asked if specific issues were raised during the dialogue, including media ownership and censorship, Tibet, the ban on Falun Gong, and China's policy on house churches. Ms Bird reported that Australia had encouraged China to remove restrictions on lawyers, activists, journalists, internet bloggers and protesters, and highlighted the importance of a free and critical media, including foreign media. Australia also expressed concern over China's suppression of online dissent and internet censorship.

Ms Bird said that Australia had urged China to exercise restraint in managing the security situation in Tibet, and encouraged China to protect the cultural, linguistic and religious heritage of Tibetans. Australia had also expressed concern about restrictions on the flow of information in and out of Tibetan regions and about conditions underlying self-immolation protests. Australia again urged China to lift its ban on Falun Gong, expressed concern about growing restrictions on the freedom to practise religion in China, and encouraged China to invite the UN Special Rapporteur on Freedom and Religious Beliefs to visit.

China had responded that freedom of speech, alongside other rights, was protected in China's Constitution, but that Chinese citizens must exercise their rights and freedom within the scope of the law. China also claimed that it had a good record in religious freedom and had introduced laws and regulations in this area. On the UN Special Rapporteur on Freedom and Religious Beliefs, China said they welcomed a visit at a mutually convenient time.

Ms Bird explained that the Government draws on a variety of sources in making its assessments of the human rights situation in China, including reporting from the Australian Embassy in Beijing, NGOs, parliamentary groups, the Human Rights Commission, other governments, and the UN. Ms Bird outlined the importance placed on the work of NGOs. In the 16th Australia-China Human Rights Dialogue, expected to be held in Canberra in 2015, Australia hopes to arrange a meeting for Australian NGOs with the Chinese delegation.

Australia-China Human Rights Technical Cooperation Program

The Australia-China Human Rights Technical Cooperation Program (HRTC) was established following the inaugural Australia-China Human Rights Dialogue in 1997. The program aims to assist key Chinese organisations to improve the administration, promotion and protection of human rights in China. Over the last 15 years, the program has worked in the areas of legal reform, women's and children's rights, rights of disabled persons, and ethnic and minority rights. The current program focuses on progressing Chinese-identified human rights reforms.

Duration: 1998–ongoing, current program runs from 2012-2016

Australian contribution: Approximately AUD2.5 million annually

Managing contractor: Australian Human Rights Commission

Chinese partner organisations: The Chinese Ministry of Foreign Affairs is the lead counterpart agency for the HRTC. Current partner organisations include: Ministry of Civil Affairs; All China Women's Federation; Supreme People's Court; National Health and Family Planning Commission; United Nations Association in China; China Disabled Persons Federation; and, Beijing Zhicheng Legal Aid Organisation.

Activities and achievements: Each year the HRTC oversees around 20 practical activities implemented by Chinese government agencies. Activities are identified by the participating agencies, with the final work plan developed with the input of the Australian Human Rights Commission, and approved by both DFAT and the Chinese Ministry of Foreign Affairs. Activities include study tours, workshops, seminars and visits between Australian and Chinese agencies working in fields with human rights dimensions. In recent years the HRTC has also supported pilot projects designed to implement human rights policies. Achievements of the program have included:

- Supporting the drafting of China's national domestic violence legislation and establishing domestic violence protection orders in courts in six provinces.
- Supporting the introduction of national standards on privacy protection in family planning service delivery.
- Working with the NGO department of the Ministry of Civil Affairs, and with the Beijing Zhicheng Legal Aid Organisation to help protect the legal rights of NGOs and build demand for better governance.

HRTC activities are designed to have immediate and longer term outcomes. The program encourages the development of linkages between Chinese and Australian organisations and between Chinese and Australian professionals in specific areas. Increasingly activities support existing Chinese programs of reform and the development of new policy and practice.

NGO involvement: HRTC program activities are identified by participating Chinese agencies including NGOs (as listed under 'Chinese partner organisations' above), with the final work plan developed with the input of the Australian Human Rights Commission, and approved by both DFAT and the Chinese Ministry of Foreign Affairs. Implementation of HRTC activities has included technical input from a wide range of Australian organisations, including NGOs. The experience shared by NGOs has been valuable in demonstrating to Chinese partners the important role played by these organisations in protecting and promoting human rights.



Australian Government

Department of Foreign Affairs and Trade

Advancing the interests of Australia and Australians internationally

15th Australia-China Human Rights Dialogue

Media release

20 February 2014

The 15th round of the Australia-China Human Rights Dialogue was held on Thursday 20 February at the Chinese Ministry of Foreign Affairs in Beijing.

The Dialogue began in 1997 as an officials-only meeting between foreign ministries and has evolved to become a wide-ranging discussion between delegates including parliamentarians, senior officials from a range of government agencies, and the Australian Human Rights Commission.

The Dialogue allows both governments to engage in a frank and constructive exchange of views at a senior level on human rights issues, including progress on human rights technical cooperation.

As per previous practice, the Australian delegation raised a range of ongoing human rights concerns in China, including freedom of expression, assembly and religion; the treatment of political activists; press freedoms; use of the death penalty; as well as Tibet and Xinjiang.

The Australian delegation was led by Ms Gillian Bird, Deputy Secretary of the Department of Foreign Affairs and Trade. Other delegation members included Mr Luke Simpkins MP, Chair of the Australian Parliament's Human Rights Sub-Committee, Senator Anne McEwen, Deputy-Chair of the Australian Parliament's Human Rights Sub-Committee, Professor Gillian Triggs, President of the Australian Human Rights Commission, and other representatives from the Australian Human Rights Commission and a range of Australian Government agencies.

The Chinese delegation was led by Mr Li Baodong, Vice Minister of China's Ministry of Foreign Affairs, and included delegates from a range of organisations, including the State Administration of Religious Affairs, the Ministry of Justice, the Ministry of Public Security and the State Council Working Committee on Child and Women.

Meetings between the Australian delegation and Chinese non-government organisations and human rights and legal academics are scheduled to take place on 21 February in Beijing.

Chinese version

[第十五次澳中人权对话 \(http://www.china.embassy.gov.au/bjngchinese/140220MRhrd_ch.html\)](http://www.china.embassy.gov.au/bjngchinese/140220MRhrd_ch.html)



新闻稿 澳大利亚大使馆

2014年2月20日

第十五次澳中人权对话

第十五次澳中人权对话于2月20日（星期四）在北京的中国外交部举行。

对话始于1997年，最初仅为两国外交部官员间的会议，如今已演变成为涵盖议会议员、来自多个政府机构的高级官员和澳大利亚人权委员会代表的广泛讨论机制。

对话让两国政府高层就人权问题，包括人权技术合作方面的进展，进行坦率和富有建设性的交流。

按照以往的做法，澳大利亚代表团提出一系列对中国人权方面持续的关切，包括言论、集会和宗教自由，对政治活动人士的处置，新闻自由，死刑的使用，以及西藏和新疆问题。

澳大利亚代表团由澳大利亚外交贸易部副部长吉莉安·伯德（Gillian Bird）带队。成员包括澳大利亚议会人权分支委员会主席卢克·辛普金斯众议员（Luke Simpkins）、副主席安·麦克尤文参议员（Anne McEwen）、澳大利亚人权委员会主席吉莉安·特里格斯教授（Gillian Triggs），以及其他来自澳大利亚人权委员会和澳大利亚政府机构的代表。

中方代表团由中国外交部副部长李保东带队，成员包括来自国家宗教事务局、司法部、公安部和国务院妇女儿童工作委员会等机构的代表。

澳大利亚代表团与中国非政府机构及人权和法律学者间的会议将于2月21日在北京举行。

媒体咨询

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15th Bilateral Human Rights Dialogue
Joint Press Conference Transcript
20 February 2014

Note: Chinese has not been transcribed. All text below was spoken in English.

E&OE

Interpreter (for Vice Minister Li):

Ladies and gentlemen from the press, I'm very sorry that I have kept you waiting. Today my Australian colleagues and I have had in-depth and very good discussions in the 15th Human Rights Dialogue between China and Australia. So we spent more time that [sic] we originally planned. Once again, I am very sorry.

I'm very glad to meet with you. Today, Madam Deputy Secretary Bird of the Department of Foreign Affairs and Trade of Australia and I co-chaired the 15th China Australia Human Rights Dialogue. The two sides have spoken positively about the development of strategic partnership between China and Australia, introduced to each other the achievements we have made in human rights, and had in-depth and candid exchange of views on the new developments in human rights at the United Nations, bilateral technical human rights cooperation and other issues. We are very satisfied about the outcomes of the dialogue because it is very constructive.

Our China Australia Human Rights Dialogue has been conducted for more than one decade and has experienced three stages. First, mutual exchanges, which is very important. China and Australia differ in social system, history, culture and development stage, but over ten years ago the two sides can sit down with each other, resolve our differences on human rights through dialogue, and this is a good example of how [unclear] differences. Therefore, we have embarked on the path of cooperation.

The issue of human rights has been sensitive, therefore it is not easy for us to carry out cooperation and insist on our Human Rights Dialogue to the 15th is really not easy because we have carried out equal-footed dialogue and uphold the principles of equality and mutual benefit and we handle our differences in that constructive way. In this way, we can boost mutual understanding and build up consensus.

Third [sic], practical cooperation. This is very important. China Australia Human Rights Dialogue is not only at highest level but the most concrete results. The two sides have carried out a number of cooperation programs in protection of women and children and also in poverty relief which has yielded concrete results. China Australia Human Rights Dialogue has become an example of China's human rights dialogue with other countries. We would like to congratulate Australia on this point.

This has shown our strong political will, our commitment to the protection of human rights, our skilled diplomacy and political vision.

The development of China Australia Human Rights Dialogue has shown that as long as the two sides can treat each other with equality and mutual respect and think in each other's shoes and take a long term view, the two sides will be able to manage and handle our differences so as to increase mutual trust and promote cooperation.

Thank you.

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Interpreter (for MC):

Now I would like to give the floor to Madam Bird.

Deputy Secretary Bird:

Thank you very much. I'm very pleased to join Vice Minister Li Baodong to brief you on the outcome of today's 15th Australia China Human Rights Dialogue.

The Dialogue is an integral aspect of Australia's ever-broadening relationship with China. It allows us to discuss a full range of human rights issues in a constructive, frank and respectful atmosphere.

Australia and China have come a long way since the dialogue commenced in 1997. We value the participatory nature of the dialogue and are very pleased that Australia was also represented today by parliamentarians Mr Luke Simpkins MP and Senator Ann McEwen who are respectively the Chair and Deputy Chair of the Human Rights Sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as well as Professor Gillian Triggs, President of the Australian Human Rights Commission.

The seniority of both delegations, led by a Chinese Vice Minister and Australian Deputy Secretary, demonstrate the commitment each side places on this valuable mechanism. And the breadth of expertise and representation by both sides' delegations demonstrates the shared interest in engaging on meaningful discussion on a range of issues.

In a relationship as complex and wide ranging as the one Australia shares with China, there are of course times when differences arise. Both sides acknowledge this and the need to manage these differences constructively on the basis of mutual respect.

Australia believes discussion of human rights issues in such a forum contributes to the long term improvement of human rights. For Australia's part, we raised areas of progress as well as areas of concern. We also welcomed practical discussion of international cooperation in human rights, such as the implementation of recommendations made during the universal periodic review process.

The bilateral Human Rights Dialogue supported at the practical level by the Human Rights Technical Cooperation Program continues to be a pillar of the broader Australia China relationship and I welcome the opportunity to have engaged so positively and extensively with the Chinese delegation during today's discussions.

Interpreter (for MC):

Now the floor is open. Before raising questions, please identify yourself.

Interpreter (for Reporter):

I'm from CCTV. I have two questions for Mr Li. First question is how do you comment on the Human Rights Dialogue today? Second, the Third Plenum of the 18th CPC Central Committee held at the end of last year will cause what kind of impact to China's human rights in the future?

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Interpreter (for VM Li):

As I said earlier, our Human Rights Dialogue has produced very positive outcomes on the basis of equality and mutual respect. The two sides have had in depth exchange of views on the protection of human rights and also on our cooperation within the framework of the United Nations, as for the international development on protection on human rights.

This Human Rights Dialogue is not only where we can exchange experiences but also a very important platform for mutual learning. During our Human Rights Dialogue the two sides also exchanged views on enhancing our cooperation, especially technical cooperation in judicial aid, protection of ethnic minorities and protection of women and children. The two sides have decided on the framework of the technical cooperation to make the 2013 to 2014 programs a success.

The participants of this dialogue for both sides have been very diversified. They include parliamentarians from both China and Australia and also representatives of the ethnic minorities and other government departments. They have been involving [sic] in increasingly in-depth discussions on an increasingly wide scope of agenda issues. I believe the results of our discussions can serve as very good reference to other countries.

Fifteen years ago the issue of human rights was very sensitive, that we did not want to touch on, but today the human rights issue has become a positive component of China Australia bilateral relations. This is the result of our joint efforts. So, I'd like to say that the Human Rights Dialogue between China and Australia is at the highest level, has the most developed institutions and has the most concrete results.

In November last year, the Third Plenum of the 18th CPC Central Committee adopted an important decision to deepen reform in a comprehensive manner. The general objective is to improve and develop the socialist system with Chinese characteristics, promote the modernisation of the state government system and capabilities and ensure that all the Chinese people can enjoy the fruits of Chinese reform and opening up in a more fairer [sic] way.

The decision has also made it very clear that it will improve the judicial guarantee system on human rights. It can be expected that China's development of human rights will enter a planned and stable period and that comprehensive progress will be made.

This year also marks the 10th anniversary for the inclusion of the clause that the state respects and protects human rights in China's constitution. Over the past decade, we have been implemented [sic] the principle of China's constitution, improve the rule of law and make new achievements in the development of democracy, rule of law, and social democracy.

China is still a developing country and in the primary stage of socialism. We still face many problems and challenges. We are ready to work with the rest of the international community to make joint efforts to promote and ensure human rights and make new progress in the protection of human rights. We are also willing to make joint efforts with the Australian Government and colleagues to enhance our cooperation in this

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area. I am confident that the outcomes of our dialogue will contribute to the development of human rights cause in our two countries.

No country in the world has a perfect record in human rights. We will not evade any issues or problems, we still face a gap and many challenges, but this also shows the confidence and resolve of the Chinese government in human rights.

Thank you.

Reporter:

Australian Broadcasting Corporation, my question is also for Li Baodong. Did you raise the issue of Australia's treatment of asylum seekers or refugees in the meeting and if so, what were your concerns?

Interpreter (for VM Li):

You have raised a very important issue which is also of our attention [sic]; indeed, we have proposed this question very candidly and also stated our concerns, especially on the protection of refugees and asylum seekers, the right of the children of refugees in education and also other rights. We have also asked about whether these refugees will be illegally repatriated to other countries. We have had candid discussions on this issue. You can also see from this perspective the outcomes of our dialogue.

Australia is a sovereign country so the Chinese government respects the policies of the Australian Government. How to resolve the common challenges is something that we can cooperate on. It is very important to introduce to each other our experience and information in this area.

This kind of dialogue is very important for dispelling misunderstanding and increasing common ground. Thank you.

Interpreter (for Reporter):

I'm with Xinhua News Agency, I have a question for Madam Bird. You mentioned you have carried out more than ten times of Human Rights Dialogue and it has become an indispensable part to China Australia relations, so I would like to hear your view on the role of Human Rights Dialogue in promoting Australia China relations, as the relations have entered a new stage.

Deputy Secretary Bird:

Thank you very much for your question. Yes, we've had – this is our 15th round of the Australian [Chinese] Human Rights Dialogue. We think it is an important pillar of the bilateral relationship. It has certainly gone from strength to strength in the 15 rounds. I had the privilege of being a member of the Australian delegation in the inaugural round back in 1997, so I've seen first hand how the dialogue has grown. The fact that it's at the level it is held at which I think is the most senior level for both sides underlines the importance we attach to this dialogue and the experience on delegations on both sides is equally important. When the dialogue started back in 1997 it was essentially just limited to the Foreign Ministries on both sides. We now have much broader participation, very extensive discussion, we are able as the Vice Minister said to raise whichever issues we like. I was very pleased to be able to explain, for example, the Australian Government policies to do with illegal boat arrivals and issues around that so it's a good opportunity and it's underpinned by that

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practical human rights technical program which has been a feature of the dialogue since its inception in 1997. And we are very much looking forward to hosting the next round in Australia, and I have invited Vice Minister Li to come to Australia next year and he's accepted that invitation.

Reporter:

I'm from the Sydney Morning Herald. Ms Bird, did you raise, and are you concerned about, what appears to be a recent crackdown on intellectuals and activists including Xu Zhiyong and Ilham Tohti? And to Mr Li, what was your response to these concerns if they were raised by the Australian side?

Interpreter (for VM Li):

I'd like to say all these issues have been mentioned in our Human Rights Dialogue. We have in depth discussions on a wide range, scope of agenda items, including ethnic minorities, religion, press freedom, freedom of speech, death penalty and judicial reform. I believe these issues are not only for China, but also Australia. They involve not only the protection of economic, social and cultural rights but also the civil and political rights, and we need to enhance international cooperation in these areas. As for the individual cases concerning Xu Zhiyong and Ilham Tohti, we have made clarifications and explanations to the Australian side.

China is a country ruled by law. Judicial independence is an important principle in human rights documents. Australian and Chinese governments both recognise and respect this important principle. On the basis of that we have carried out in depth discussions on individual cases of mutual concern. All the Chinese citizens enjoy the freedom and rights enshrined by China's constitution and law.

At the same time, the Chinese citizens must exercise their rights and freedom within the scope of the law.

For any illegal behaviours and any persons who have conducted illegal behaviours, China will restrain and investigate them according to China's constitution and laws. This is a respect to China's constitution and the responsible attitude to international calls/cause on human rights.

Everyone is equal in front of law, no matter who has committed any crimes against the law, no matter what ethnic groups you are from, no matter what's your plan [unclear] or what kind of official you are, you will be investigated and punished according to law.

Reporter:

Can we get an Australian response to that too?

Deputy Secretary Bird:

I think my Chinese colleague has very helpfully answered both parts of that question. The question was, were the issues raised – yes – and what was the Chinese response, so, thank you.

Reporter:

What are your concerns, though?

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Deputy Secretary Bird:

As I indicated in my opening statement, we raised ongoing human rights issues across a broad suite of issues. We raised the issues you raised amongst them, and my colleague has explained the Chinese response on those particular issues.

Interpreter (for reporter):

I'm with China Daily. I also have a question for Minister Li. Has the Chinese side proposed any issues where the Australian side has infringed on human rights, what are they, and what are the Australian side's response?

Interpreter (for VM Li):

As I said, in this round of Human Rights Dialogue, we did like the previous rounds, we have exchanged opinions on issues of mutual interest and also on the problems in each other's protection of human rights. In this way we have been able to dispel misunderstanding. Over the years, the Chinese side has proposed the questions about the measures and efforts of Australia in ensuring the rights of indigenous people and also the rights of women. We have made our own positions and opinions clear as well.

Deputy Secretary Bird:

Thank you. As the Vice Minister indicated, we are very happy to respond to questions about Australian policies across a suite of different issues and to explain their operation and it was a useful opportunity, I think, to answer any questions that the Chinese side had.

Reporter:

Hi, I'm from Reuters. I have two questions for Vice Minister Li. The first is, will China announce this year a reduction in the number of crimes subject to the death penalty? If so, for how many crimes and what crimes are these? And the second question is, with the abolishment of the re-education through labour system going forward, how will the government handle petitioners and religious believers, many of whom were previously locked up in labour camps? Thank you.

Interpreter (for VM Li):

On the issue of re-education through labour system, the sixth session of China's 12th National People's Congress adopted the decision to abolish the re-education through labour system. This is a major achievement China has made in protection of human rights and has been widely recognised by the society. This is a big progress in the protection and judicial guarantee of human rights. After the abolishment of this system there are many follow up work to do [sic]. The Chinese government has been very serious about this work. Many departments are making greater efforts to ensure that this system works well, these steps work well. Now different localities have established more than 534,000 community correction centres and organisations and these measures have been working very well. After the abolishment, the follow up work will be carried out in an orderly way.

As for the death penalty, there has been no international prohibition on the use of the death penalty and many countries still use the death penalty as well, but China has been reforming the death penalty system over the years. We have made many efforts, including the Supreme People's Court taking back the right to approve the death

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penalty from the Provincial High People's Court and also the death penalty has to go through the second instance. We have also had regulations on the evidence supporting the judgement as well as to cutting down the number of crimes that carry death penalty. For those economic related and non-violent crimes, death penalty has been dropped. All of our efforts have one aim, that is, to cut down the number of crimes that carry death penalty.

The Third Plenum of the 18th CPC Central Committee has pointed out a very important task. That is, to gradually cut down the number of crimes punishable by death penalty. This is an important way to protect and promote human rights and has pointed out the future direction for our work. This important decision has shown that China has adopted a very cautious and responsible attitude and has shown that we uphold the judicial principle of combining combatting crimes and upholding human rights.

The protection and promotion of human rights is a long term process that will never end. This is an important task that will not conclude. We will continue to make joint efforts. The CPC Central Committee and the Chinese Government has proposed the important task and pointed the way forward. Now different departments are studying on this issue and they will implement their efforts to reach this goal.

Looking back to the over past 30 years of reform and opening up, the Chinese people are very proud of the remarkable achievement they have made in protecting and ensuring human rights. The Chinese people are full confident and they will make joint efforts to enhance international cooperation so that the international cause on human rights will also yield positive progress. Here we are also ready to cooperate with the Australian side so as to make equally positive progress in our Human Rights Dialogue and promote the development of our bilateral relations.

Ends.