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Human Rights and Diplomacy in the Indo-Pacific: A View from Australia Elaine Pearson



What is the future of human rights in the emerging Indo-Pacific order? With the many challenges to human rights across Asia, it is easy to feel pessimistic. The current trend seems to be toward authoritarianism, and we see an erosion of democracy, rule of law, and human rights.

People have, however, been taking to the streets and standing up for their rights across the region, providing a cause for hope. Governments including middle powers such as Australia, politicians, and civil-society organizations have an array of foreign policy tools they can use to defend human rights. It is essential that they do so. From Australia's perspective, it is firmly in Australia's interests to exist in a region alongside

governments that are transparent and accountable and that respect human rights and the rule of law.

There is no doubt that the Indo-Pacific region is facing grave challenges when it comes to human rights. Last year alone produced several reasons for despair. In Myanmar, a February 2021 military coup presaged a brutal crackdown resulting in the deaths of more than 1,400 protesters. Many thousands more were arrested, detained, beaten, and abused in custody. United Nations investigators have concluded that the junta should be investigated for crimes against humanity.¹

Six months later, the Taliban's return to power in Afghanistan was a horrific reminder that advances in human rights can be perilously fragile. The Taliban pose a clear and grave threat to the rights of Afghanistan's women and girls, journalists, and civil society activists. The current humanitarian crisis—precipitated by the abrupt cut-off of foreign aid to a country whose budget is almost entirely funded by donors—has pushed over 24 million Afghans into acute hunger. Meanwhile, armed groups affiliated with the Islamic State carry out devastating attacks targeting the Shia minority.

Authoritarianism has been on the march elsewhere, too. In China, the central government has been dismantling human rights in Hong

Kong following the imposition of its draconian national security law in 2020. Hong Kongers who advocated for human rights and democracy, such as Jimmy Lai and Joshua Wong, are now in prison. At the same time, Chinese leaders defend their arbitrary detention of more than a million Uyghurs and other Turkic Muslims in re-education camps under the so-called “Strike Hard campaign against violent extremism.”²

Vietnam, too, has escalated crackdowns on democracy campaigners, activists, independent journalists, and bloggers for exercising their basic civil and political rights. More than 150 political prisoners languish behind bars, and dozens more face trial in the country’s politically controlled courts.

Even in countries that call themselves democracies, the world has witnessed what Kenneth Roth, the executive director of Human Rights Watch, calls “zombie democracies.”³ In countries like Cambodia and Thailand, for instance, political parties that represent a legitimate challenge to ruling elites have been banned from operating on bogus legal grounds, and elections that are far from free and fair have entrenched the powers that be. In Cambodia, political activists have been forced into exile, imprisoned, or barred from running for office.

In Thailand, hundreds of youth

face years in prison for taking part in protests, speaking up, and demanding reforms to politics and the monarchy. Recently, the Thai government aggressively pushed to introduce draft laws to tightly control all civil-society organizations, including by restricting foreign funding, which will become a chokehold on the country’s vibrant civic space. Squeezing democratic institutions comes alongside efforts across the region to monopolize the media, restrict and control civil society, punish critical expression on the internet, and manipulate state institutions.

Across the Indo-Pacific region, civil society organizations are under threat. Even in an established democracy like India, the national government has intensified a crackdown on freedom of speech and peaceful assembly. The government of Prime Minister Narendra Modi has enforced new information technology rules that are ostensibly meant to curb misuse of social media and the spread of “fake news” but, in fact, allow greater governmental control over online content. Similar developments have taken place in Singapore, Vietnam, Thailand, and Malaysia—countries that all seem to be going down the path of weakening freedom of expression online and undermining their citizens’ rights to privacy.

These are grim trends, but this is not a time for defeatism. Governments in

the Indo-Pacific that believe in stronger human rights protections do have tools at their disposal to bring this about. This is certainly true of Australia, a country with a strong stake in the region's political trajectory. Australia has its own human rights problems. But as one of the oldest democracies in the region, it has rights-respecting institutions, an independent judiciary, and a vibrant civil society and media.

What specific steps can the Australian government take to defend human rights values that are under attack?

First, Australia should advance human rights in coalition with like-minded democratic governments. As a middle power, Australia can amplify its voice by working through multilateral institutions to stand against crimes against humanity and push back against authoritarian governments.

This is already happening to some degree. Last June, for example, Australia joined with 43 other governments to condemn China's human rights record at the United Nations.⁴ In the future, Australia should do more to mobilize international condemnation of human rights violations by other governments in our region, not just China.

Second, Australia should impose targeted sanctions, including travel

bans and asset freezes, against those who commit serious human rights abuses or corruption with impunity. In December, the Australian parliament passed new amendments to make this happen, like the Global Magnitsky Act in the United States. The United Kingdom, Canada, and European Union all have their own versions of such legislation.

Such laws make sense given that diplomacy is about both carrots and sticks. Targeted sanctions raise the cost of serious human rights violations. Now, it is up to the Australian government to use these provisions without delay and sanction serious human rights violators, starting with the abusive generals in Myanmar.

Third, Australian officials should engage in robust diplomacy on human rights, both in public and behind closed doors. Officials should articulate a consistent and principled position on human rights violations wherever abuses occur. The Australian government has shown courage in speaking up at the UN Human Rights Council on abuses committed by China and Saudi Arabia, but a more consistent approach is needed. The point here is not for Canberra to lecture other countries, but Australia's leaders should never be reluctant to have frank discussions with their counterparts about their obligations to respect international human rights law.

If Australian officials meet with the leaders of governments implicated in serious human rights abuses, the Australian government should issue strong public statements accompanying those meetings to make its concerns crystal clear. Without such statements, it is too easy for an abusive government to turn a photo op into an expression of support for their rule. This is important not only for transparency with the Australian public but also for the public in other countries to get an accurate picture of Australia's interests and values.

Fourth, to be most effective in advancing human rights around the world, the Australian government should set a positive example by strengthening its commitment to human rights at home. Australia can do much better in its treatment of marginalized people, especially First Nations people, refugees, and asylum seekers.

The importance of this relationship between domestic politics and credibility on the world stage cannot be overstated. When Myanmar forcibly displaces ethnic Rohingya to Bangladesh and Bangladesh responds by rounding up many of those Rohingya and putting them on Bhasan Char, a flood-prone island in the Bay of Bengal, it is hard for Australia to have moral authority when Canberra's policy is to send refugees to Papua

New Guinea and Nauru.

Similarly, it is difficult for Australia to call on countries like Pakistan and Iran to open their borders to fleeing Afghans when Australia has shown a distinct lack of humanity and compassion in its treatment of those who arrive at its borders fleeing persecution.

An overlooked part of improving Australia's record on human rights is the need to safeguard the rights of Australian citizens abroad. This includes working harder for Australians who are arbitrarily detained abroad, such as Cheng Lei and Yang Hengjun in China, Chau Van Kham in Vietnam, and Sean Turnell in Myanmar. These are political cases that require a firm government response.

One lesson of the tragedy unfolding in Afghanistan is that effective international human rights monitoring is essential. Australia can promote such monitoring work through a stronger voice at the United Nations Human Rights Council. In the past, Australia has been good at joining statements of concern when they are prepared by others, but Canberra could show more leadership by helping to establish mechanisms for accountability for human rights violations. Traditionally, the Australian government has tended to focus attention on thematic issues, but the Human Rights Council is most useful when it comes to holding states to account through

country-specific reporting mechanisms.

At this point Australia is not leading on a single resolution at the Human Rights Council regarding rights violations in another country. It needs to do more on this front. It could, for example, join a core group on the Philippines to advance accountability for the thousands of unlawful killings carried out in the name of President Rodrigo Duterte's murderous "war on drugs." It could ensure follow-up to its joint statement on rights abuses in Saudi Arabia or demonstrate much-needed leadership to address Egypt's relentless crackdown on civil society.

Finally, Australia can do better at building relationships with civil society and young people across the Indo-Pacific region. At minimum, this means increasing support for civil society groups. However, it also means being better at public diplomacy by engaging foreign and domestic media (and being active on social media) to advocate for human rights.

Ultimately, ordinary people—especially young people—will determine the future of human rights in our shared region. Canberra can assist young people across the region by making it clear at every opportunity that Australia stands in support of human rights and of those who are doing the important work of building

a more human rights–friendly Indo-Pacific.

For Australia and other like-minded countries, the Indo-Pacific's tilt toward authoritarianism and away from democracy and human rights is a cause for concern. This is part of the reason why Australia has strengthened its trade and security relationships with partners in Southeast Asia and the so-called Quad grouping of Australia, India, Japan, and the United States. Developing foreign policies that are directly aimed at promoting human rights needs to be part of the solution, too. There are options in this regard—ones that Canberra and other regional capitals should take seriously. ■

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Ms. Pearson is the Australia Director of Human Rights Watch. This article is based in part upon her 2021 Sir James Plimsoll Lecture at the University of Tasmania.

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Notes

¹ Edith Lederer, “UN investigator: Crimes against humanity under Myanmar junta,” *Associated Press*, 6 November 2021, <https://apnews.com/article/crime-myanmar-united-nations-c8d30050193ccc2affc15c508ee4be3d>.

² Casey Quackenbush, “Human Rights Watch Warns of ‘Massive Crackdown’ on China’s Muslims,” *Time*, 10 September 2018, [https://time.com/5391300/china-hrw-](https://time.com/5391300/china-hrw-muslim-ughur)

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³ Kenneth Roth, “The Age of Zombie Democracies: Why Autocrats Are Abandoning Even the Pretense of Democratic Rituals,” *Foreign Affairs*, 28 July 2021, <https://www.foreignaffairs.com/articles/americas/2021-07-28/age-zombie-democracies>.

⁴ John Feng, “China Backed by 65 Nations on Human Rights Despite Xinjiang Concerns,” *Newsweek*, 23 June 2021, <https://www.newsweek.com/support-chinas-human-rights-polices-doubles-among-un-members-1603246>.