

Submission 16

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Ms Janet Holmes
Secretary
Human Rights Sub-Committee
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Parliament House
Canberra ACT 2601

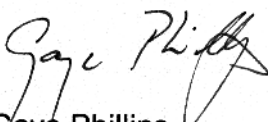


Dear Ms Holmes

I am pleased to enclose UNICEF Australia's submission to the Human Rights Sub-Committee, The Joint Standing Committee on Foreign Affairs, Defence and Trade for the Inquiry into Human Rights and Good Governance Education in the Asia Pacific Region.

Should you have any queries relating to this submission, please do not hesitate to contact me.

Yours sincerely


Gaye Phillips
Executive Director

UNICEF Australia

Submission to the Human Rights Sub-Committee, The Joint Standing Committee on Foreign Affairs, Defence and Trade

Inquiry into Human Rights and Good Governance Education in the Asia Pacific Region

Background

The Australian National Committee of the United Nation's Children's Fund ('UNICEF Australia') welcomes the opportunity to present a written submission to the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade in relation to their Inquiry into Human Rights and Good Governance Education in the Asia Pacific Region.

UNICEF Australia is a non-government organisation established in Australia to support the work of the United Nation's Children's Fund, ('UNICEF'). As the only United Nations organisation dedicated exclusively to children, UNICEF Australia is bound and guided by the United Nations *Convention on the Rights of the Child*, ('CRC'), and the *Convention on the Elimination of All Forms of Discrimination against Women*, which Australia has ratified.

Introduction

UNICEF—and UNICEF Australia—has long recognised the integral relationship between human rights, good governance, and the achievement of fair and sustainable social, political, and economic development for children, women and their communities. It acknowledges that sustainable development must be founded in the promotion of human rights and must focus on improving capacities of local communities and nations to effectively govern themselves. In this sense, UNICEF promotes human rights and good governance education as central to development programs to ensure that the most disadvantaged, vulnerable and 'unreachable' members of communities—often women and children—are empowered to act in decision-making roles, as dictated by human rights principles.

In its Mission Statement, UNICEF has committed itself 'to promote the equal rights of women and girls and to support their full participation in the political, social, and economic development of their communities.' To fulfill this commitment, UNICEF uses a rights-based approach to programming that encourages an increased focus on disparity reduction and participation in sustainable community programs. This child-focused rights-based approach also recognises that the status of women and the extent to which they are able to exercise their rights is a fundamental element in guaranteeing human rights for children, especially for girls. UNICEF's strategic plan for 2002-2005 acknowledges that the rights, equality, and empowerment of women are particularly important for the creation of healthy families, communities, nations and positive role models for girls and boys.

At present, perhaps the most significant opportunity that must be seized by governments, UN agencies and NGOs alike is the use of a human rights-based approach to development. The Millennium Summit Declaration as well as the declarations of other major international conferences and special sessions of the General Assembly, including the recently completed UNGASS, embraced the notion that social development is fundamentally about the progressive realisation of human rights. This adoption of language and practice of human rights meets with UNICEF's own strategic plan and mission statement, as outlined above, all of which are based on the *Convention of the Rights of the Child*.

The *Convention on the Rights of the Child* (CRC) has increasingly come to influence how nations, societies, and individuals view and act towards their children. Ratification of the CRC is now almost universal, and the process of translating the CRC into national legislation and administration is advancing. UNICEF has played a key role in ensuring that services and programs are run in accordance with the principles of good governance and human rights by providing training and education based on human rights and the CRC in countries throughout the world.

TERMS OF REFERENCE

The role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development

UNICEF Australia recognises the strong link between human rights, good governance and sustainable and fair development. However, to ensure long-term sustainability and effectiveness in terms of development, UNICEF Australia contends that any human rights and good governance education must:

- be comprehensive, incorporating all levels of society;
- ensure full participation of the most disadvantaged and the most vulnerable; and
- provide tangible outcomes for individuals and communities.

• *What is Good Governance?*

The United Nations Development Program (UNDP) defines governance as: 'the exercise of political, economic, and administrative authority to manage a country's affairs *at all levels of society* [emphasis added]. It comprises the mechanisms, processes and institutions through which citizens articulate their interests, mediate their differences, and exercise their legal rights and obligations.'¹ Supporting participatory, transparent, and accountable governing institutions therefore requires engaging the private sector, civil society and government. Engaging all levels is the only way to ensure that political, social, and economic priorities are based on a broad consensus in society and that the voices of the poorest and most vulnerable can be heard in the decision-making process.

The UNHCR defines 'governance' as the process whereby public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The key question is: *are the institutions of*

¹ UNDP, What is it? <http://www.undp.ps/governance/about.htm>

governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair justice, and personal security? In light of this question, ‘the true test of “good” governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political, and social rights.’²

• ***Relationship between Good Governance, Human Rights and Development***

Internationally, it is increasingly recognised that good governance, human rights, and development are inextricably linked. In the Millennium Declaration, the States Members of the United Nations resolved to create an environment—at the national and global levels—that is conducive to development and the elimination of poverty. They stated that meeting this objective ‘depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary, and trading systems.’³

A wealth of United Nations human rights standards of direct relevance and applicability to questions of good governance exists. The International Covenant on Civil and Political Rights requires its 148 State parties ‘to respect and to ensure...the rights recognized’ in the Covenant and ‘to take the necessary steps...to give effect to the rights.’ State parties are required, among other things, to ensure that an effective remedy for violations is available; to provide for determination of claims by competent judicial, administrative or legislative authorities; and to enforce remedies when granted (Article 2). Similarly, in ratifying the International Covenant on Economic, Social, and Cultural Rights, 143 States have undertaken ‘to take steps...with a view to achieving progressively the full realization of the rights recognized...by all appropriate means.’ (Art. 2.)

The *Declaration on the Right to Development* further clarifies the nature of these obligations, setting forth important objectives for governance. It mandates States ‘to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free, and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.’ States are expected to ‘undertake, at the national level, all necessary measures for the realization of the right to development’ and to ‘ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health, services, food, housing, employment and the fair distribution of income.’ ‘Effective measures’ are to be undertaken to ensure that women have an active role in the development process, and ‘appropriate economic and social reforms’ are to be carried out with a view to eradicating all social injustices. In sum, the Declaration requires States to take steps ‘to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption, and implementation of policy, legislation, and other measures at both the national and international levels.’⁴

The impact of poor governance and disrespect for human rights on children and their communities can be identified in many countries. A UNICEF report on the trends of

² <http://www.unhchr.ch/development/governance-01.html>

³ <http://www.unhchr.ch/development/governance-01.html>

⁴ <http://www.unhchr.ch/development/governance-02.html>

peoples' well-being between 1989 and 1999 in 27 countries of Central and Eastern Europe and the Commonwealth Independent States following the collapse of communism demonstrates this fact. At the end of the decade, 17 of the 27 countries for the majority of indicators such as infant mortality, adolescent birth, higher education enrolment, maternal mortality, youth mortality and life expectancy for both women and men had suffered setbacks, largely due to the enormous transitions in governance in those countries during that period.⁵

Thus, UNICEF recognises that without good governance, development efforts are at the very least undermined, and at the very worst doomed to failure. Another UNICEF report – funded by UNICEF Australia - on the social impact of the Indonesian financial crisis⁶ found how poor governance directly impacts on services for children and women. The report showed that the crisis had affected different regions to different extents, and although not as severe as first expected, there had been a decline in the quality of already fragile social services, particularly health. This was partly a consequence of underfunding, but also related to the poor management of health centres: 'Delivery of health and education services in Indonesia has been strongly conditioned by the authoritarian style of government. Policy has been set at the top, often in the office of the president, and then transmitted downwards on the assumption that it would be enacted in the remotest village. The system ... allowed the bureaucracy to become a vehicle for patronage, enabling it to siphon off vast amounts of money.'⁷ To offset these problems, in 1999, the government passed decentralisation laws which give spending power and administration to the districts. Nonetheless, governance remains an issue with districts unlikely to have personnel or the skills to administer services and programs, and with local politicians now able to exercise control and direct funds away from services for women and children. Without providing for training in good governance at all levels and empowering communities with their rights, development in Indonesia will continue to be slow.

- ***Implementation of good governance education at all levels.***

UNICEF understands that social, economic and political development is entirely dependent on the progress and participation of communities themselves. In particular, it requires the involvement of women and children in decision-making processes. In accordance with UNICEF's strategic plan for 2002-5, UNICEF's role in terms of human rights and good governance is to advocate for legal reforms and the adoption of policies and programs that will raise the status of girls and women both in the family and in society. UNICEF asserts that to be successful, these policies and programs must promote the development of community-owned, managed and monitored systems to ensure informed decision-making and accountability – *in effect to ensure good governance*. The promotion of participation of communities, and especially children and women, in

⁵ UNICEF, A Decade of Transition, The Monee Project CEE/CIS/Baltics, Innocenti Research Centre, Regional Monitoring Report No. 8-2001

⁶ Stalker, P, 'Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis'. Innocenti Insight, UNICEF, 2000

⁷ Ibid

governance will continue to be an essential component of UNICEF's country program strategies.

Once empowered with an understanding of good governance and human rights, communities are better able to implement this knowledge at a grass-roots level and are equipped to participate in decision making at higher levels. Human rights and good governance education that is focussed at the national level and that does not empower at the community level will have limited benefits and limited sustainability. This is because it is difficult to find ways of ensuring that education provided at this level reaches communities, especially the most vulnerable, without providing for complementary education programs at a variety of levels.

UNICEF Australia's contention that human rights education must be comprehensive is clearly supported by the objectives of the UN Decade for Human Rights Education, which state that:

20. Activities carried out under the Decade shall be designed to bring the objectives of the Decade to as *wide an audience as possible, through both formal and non-formal education* [emphasis added] and, to this end, should encourage an approach that is designed to build permanent capacity, including through the training of trainers.
 21. The general public shall be the subject of far-reaching human rights information efforts designed to inform them of their rights and responsibilities under the international human rights instruments.
 22. Human rights education initiatives taken under the Decade shall include the use of audiovisual and multimedia materials, with a view to the effective delivery of human rights education to people at all levels of literacy and education and to persons with disabilities.
 23. Special emphasis shall be given in human rights education activities under the Decade to the human rights of women, children, the aged, minorities, refugees, indigenous peoples, persons in extreme poverty, persons with HIV infection or AIDS and other vulnerable groups.
 24. Special attention shall be given to the training of police, prison officials, lawyers, judges, teachers and curriculum developers, the armed forces, international civil servants, development officers and peacekeepers, non-governmental organizations, the media, government officials, parliamentarians and other groups that are in a particular position to effect the realization of human rights."
- ***Human rights and good governance education need to be connected with tangible outcomes.***

From extensive experience in delivering programs that promote an understanding of human rights and good governance, UNICEF has learned that programs must not only

educate, but must also provide measurable benefits for individuals, communities and nations.

In delivering good governance and human rights education, UNICEF monitors its performance against the Millennium Development Goals, the World Fit For Children, and its strategic plan 2002-5, which states that results must be defined in terms of the *sustained realisation of the rights of children and women*. All actions by UNICEF at all phases of the program process and in all sectors must focus on the respect, protection and fulfilment of the rights of children and women. This constitutes human rights-based programming. For adolescents, this is monitored against the opportunity to fully develop their individual capacities in safe and enabling environments that empower them to participate in and contribute to their societies' commitment to peace building and poverty and disparity reduction. Women's right to participate in decisions that affect them is also central to the realisation of the rights of children. UNICEF works with others to support women's participation and empowerment at community level and within families, particularly in the most marginalised communities.

UNICEF recognises that social, political and economic development will not result from human rights and good governance education alone. It is imperative to link education to the implementation of effective service delivery. For example, if families and communities are being educated about the child's right to a name and nationality, a program facilitating birth registration would provide a tangible connection. Similarly, if the right under examination is the child's right to health, a project enhancing medical facilities and immunisation coverage might be introduced.

If human rights and good governance education are not sufficiently supported by tangible outcomes in terms of improved social, political or economic conditions, there is a real risk that people will come to view human rights and good governance principles as ineffective rhetoric. This would render those principles impotent in promoting fair and sustainable development.

Australia's involvement in human rights and good governance education in the Asia Pacific region identifying achievements and obstacles to further progress:

UN agencies and UNICEF have strongly welcomed Australia's involvement in human rights and good governance education in Asia and the Pacific.

• ***Australia's involvement through UNICEF programs***

With UNICEF Australia, the Australian government has supported numerous UNICEF programs that empower children and women to participate in local and national government and to realise their rights. Some examples for 2001/2 include:

1. *Convention on the Rights of the Child (CRC) Mobilisation in the Pacific*

UNICEF Australia worked with UNICEF Pacific and National Children's Committees to assist authorities in implementing basic child rights. The project had a child participation focus with one component being a CRC book where school children wrote their own stories about what child rights mean to them.

2. *Birth registration and CRC activities in Bangladesh*

UNICEF Australia is working closely with the government of Bangladesh to register the births of children. This in turn helps protect children by enacting laws preventing underage marriages, child prostitution and child labour. The current focus is on four districts where different sustainable birth registration systems are being piloted. This program links education for the government on birth registration systems; training on the CRC for communities; and birth registration for children. The estimated one million children who have been registered through this program benefit from increased access to services and programs. In this way, families and communities are immediately able to see the impact of the human rights and good governance education that they and the government receive through the program.

3. *Peace Education in Aceh:*

This is an educational program based on the direct teachings of Islam to promote peaceful conflict resolution. Key community leaders, religious leaders, youth representatives and education staff have combined to create a high quality school curriculum based on non-violence. By educating children about the alternatives to violent forms of conflict resolution, UNICEF Australia hopes to contribute to a gradual change that sees future conflicts fought with words rather than weapons.

4. *Juvenile Justice program in the Pacific:*

This program is concerned with the rights of young people who come into contact with the justice system. It is focused on realising the rights of children in 13 Pacific Island Countries, and considers such issues of arrest, detention, pre-trial diversion and trial, aiming to alleviate the barriers to fair and equitable access to justice and due process. This project seeks to encourage a child-friendly approach to child justice and strengthen the capacity of governments, NGOs and community organizations to protect the rights of children in contact with the justice system and facilitate effective training procedures and resources.

• ***Direct Australian involvement in the Asia-Pacific Region***

The Australian government has successfully adopted a rights-based approach in relation to Burma through the provision of human rights training for government officials. This training is essential in building the capacity of governments to realise the rights of the country's citizens. However, as discussed above, it needs to be recognised that good governance is not just about accountability and participation of *governments*, but is also about the accountability and capacity of *local communities*. Therefore, the Australian government needs to consider extending its human rights and good governance education programs to provide training in human rights and good governance to communities, and to assist communities in the realisation of their rights. UNICEF is well placed to assist the Australian government in developing such programs for women and children, and in finding innovative ways to deliver human rights and good governance education for all levels of society.

- ***Future Involvement: Adopting a Rights-Based Approach***

UNICEF Australia recognises that Australia can play an important role in providing human rights and good governance education to build local capacity and to empower communities in Asia and the Pacific. However, apart from the Burma training program and other programs funded through UN agencies or rights-based NGOs, to date Australia's approach to human rights and good governance education in Asia and the Pacific has been reasonably ad hoc. For example, although AusAID has essentially adopted a rights-based approach in providing human rights training in Burma, such an approach has not been replicated in AusAID policy across the board.

To ensure that its programs are sustainable in Asia and the Pacific, the Australian government needs to develop a clearly articulated policy in terms of its objectives and desired outcomes in relation to human rights and good governance education. This policy needs to acknowledge that providing human rights and good governance training raises community expectations. To ensure the effectiveness of any such education, these expectations must be met by also providing for social and economic programs that are actually based on human rights and good governance principles. That is, Australia needs to meet 'the true test of "good" governance' by assisting countries in Asia and the Pacific 'to *deliver* on the promise of human rights.'⁸ To this end, UNICEF Australia contends that AusAID must develop a coherent policy for Asia and the Pacific *that clearly articulates the link between human rights, good governance and development*, as well as producing a rights-based strategy for effective implementation of development programs in Asia and the Pacific.

The involvement of UN and other international and regional government and NGOs in promoting human rights education and good governance in the Asia Pacific region

- ***UN Consultative Committee on Programme and Operational Questions***

In September 2000, the UN Consultative Committee on Programme and Operational Questions approved the ACC Matrix of Governance on behalf of the Administrative Committee on Coordination. With this approval, the committee set out policy measures, core elements and areas of programmatic collaboration for the United Nations system. The policy measures include democracy and participation, equity, environmental protection and management, human rights, the rule of law, public administration and service delivery, transparency and accountability, security, peace building and conflict management, informed citizenry, and electronic governance (e-governance). The core elements and areas of programmatic collaboration draw on human rights concepts such as participation, accountability, non-discrimination, empowerment and express-linkage to human rights.⁹

⁸ <http://www.unhchr.ch/development/governance-01.html>

⁹ <http://www.unhchr.ch/development/governance-01.html>

- ***UNICEF involvement in Human Rights and Good Governance Education***

UNICEF works at both the government and community level, in partnership with other UN agencies, international and local NGOs, and international and regional governments. UNICEF uses its voice to confront discrimination and expose disparities, and advocate for children's voices to be heard and taken into account.

Due to its emphasis on human rights and its ability to deliver tangible outcomes, UNICEF is well placed to promote human rights education and good governance throughout countries in Asia and the Pacific. It has a strong presence in the Asia Pacific region and supports numerous programs relating to human rights and good governance education. In particular, UNICEF can play a lead role in Asia and the Pacific to raise national and international awareness of children's and women's rights, promote the advancement of children's and women's rights in national and sub-national legal reforms, and, where necessary, advocate improved enforcement of laws meant to protect children and women.

- ***UNESCO (United Nations Educational, Scientific, and Cultural Organization), other international organizations and NGOs***

The Action Plan for the UN Decade for Human Rights Education gives UNESCO a central role in the design, implementation and evaluation of projects under the Plan of Action. Like other United Nations specialised agencies - including UNICEF - UNESCO was encouraged to take a lead role in ensuring that existing capacities for human rights education may be fully coordinated and mobilised towards the objectives of the Decade. Other international organisations, including intergovernmental and non-governmental organizations active in the field of human rights, were also encouraged to continue and enhance their activities in the area of human rights education.

In terms of involvement with human rights and good governance education, UNICEF Australia asserts that all sectors of society need to be committed and hold themselves accountable. This should include a broad range of partners including the UN system, governments, international financial institutions, NGOs, religious groups, the private sector, media, and the general public. This requires the mobilisation of all potential partners in the delivery of human rights and good governance education in Asia and the Pacific.

Progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education

UNICEF Australia and UNICEF have been working in Asia and in the Pacific promoting rights and good governance to the benefit of women and children for many years. The success of UNICEF programs such as those listed above demonstrate how human rights and good governance training can be implemented with a comprehensive understanding of what human rights and good governance mean for governments as well as communities. In light of the comments made above, however, there is much that can be done to realise the goals of the UN Decade for Human Rights Education through the delivery of human rights and good governance education.

Recommendations

Based on the above, UNICEF Australia supports the following recommendations concerning human rights and good governance education:

1. **Good Governance and Human Rights Education should be implemented *at all levels.***

Although education at the national government level is imperative, in order to create effective and sustainable good governance, education must be extended to the wider community and to its individuals. Particularly, awareness and education should be focussed on those groups, such as women and children, who are normally marginalised in decision-making.

2. **Good Governance Education, like all rights-based programming, should be *clearly linked to tangible outcomes.***

It is not enough to educate people on human rights and good governance. Successful programming works to provide measurable results that will underscore the rights that are being introduced to a disempowered population. For example, linking the provision of services or capacity building to good governance and human rights education programs.

3. **The Australian government should extend the human rights based policy approach it supports in Burma to develop a comprehensive outline of its development objectives in the Asia Pacific region.**

Not only should the government extend the breadth of its support and funding of rights-based programming, but it should further develop a strategy for rights-based program implementation in the Asia Pacific region.