

Activities under various programs

- 5.1 The range of activities carried out under various programs in the Australian aid program did not receive much emphasis at the Committee's seminar on 5 July 2001. These activities were however addressed in some detail in the submissions received by the inquiry.

The Human Rights Program

- 5.2 AusAID supports a range of activities via a dedicated global Human Rights Program (HRP).
- 5.3 In its submission, AusAID indicated that this program reinforces, and gives practical effect to, the high priority that the Australian Government gives to civil and political rights. It reinforces its diplomatic representations on human rights issues. It also allows the Government greater discretion to pursue its human rights priorities without the constraints that apply to bilateral and regional programs.
- 5.4 The HRP encompasses:
- the Human Rights Fund (HRF), and
 - the Centre for Democratic Institutions (CDI).¹
- 5.5 Before examining material from the submissions to the inquiry on this third item of the terms of reference, this chapter will set out the activities carried out via the HRF, and by CDI.

1 Submission No 20, p. 228.

Human Rights Fund

5.6 Funds from the HRF are allocated to:

- the Asia Pacific Forum of National Human Rights Institutions (APF), and
- the United Nations High Commissioner for Human Rights (UNHCHR).

5.7 In the 2000 / 2001 Financial Year, the HRF amounted to \$A1.3million while, in the Budget for 2001 / 2002, it was allocated \$A1.6million.²

Asia Pacific Forum

5.8 In addition to Australia, the members of the APF are:

- New Zealand;
- The Philippines;
- India;
- Indonesia;
- Sri Lanka;
- Fiji; and
- Nepal.³

5.9 As determined by its members, and set out in the joint HREOC / APF submission, APF's major objectives are:

- to respond wherever possible with personnel and other support to requests from regional governments for assistance in the establishment and development of national institutions;
- to expand mutual support, cooperation and joint activity among member institutions;
- to welcome as participants other independent national institutions that conform to the *Paris Principles*;⁴ and

² *ibid*, pp. 228-229.

³ Submission No 10, p. 116.

⁴ The 'Principles Relating to the Status of National Institutions', endorsed by the UN General Assembly in 1993, are known as the *Paris Principles*. See Submission No 10, p. 116.

- to encourage governments and human rights NGOs to participate in APF meetings as observers.⁵
- 5.10 It was pointed out that the APF's Secretariat was provided by HREOC, and that AusAID made a financial contribution for this purpose. Within this arrangement there are distinct roles: HREOC focused principally on the bilateral technical systems project, administered on behalf of AusAID, while APF's work had a regional approach.⁶
- 5.11 The AusAID submission stated that the five year APF program, begun in 1996, sought:
- to strengthen the institutional capacities of, and cooperation between, existing national human rights bodies in the Asia-Pacific region; and
 - to encourage and assist governments to establish national human rights institutions.⁷
- 5.12 Dialogue, cooperation and mutual support between national human rights institutions in the region were seen by AusAID as particularly important in developing better mechanisms for the promotion and protection of human rights in this region. Thus, funding was given to HREOC to provide the Secretariat for APF. In addition to disseminating and exchanging information, conducting workshops and training programs, the Secretariat also supported country-specific technical cooperation projects, focusing on strengthening their human rights infrastructures.⁸
- 5.13 The HREOC / APF submission noted that Government funding did not cover all the running costs of APF's Secretariat. Its establishment and operations since 1996 had required the assistance and support of HREOC. The submission stated that this situation was 'clearly not viable' if APF was to survive as an organisation, as the Secretariat needed to expand its financial base to achieve the objectives set out above.⁹
- 5.14 In addition to funding from AusAID, APF received money from UNHCHR and other UN agencies, the Australian and New Zealand Governments and a small number of 'miscellaneous private donors'.¹⁰
- 5.15 The HREOC / APF submission noted that APF's legal structures and governance processes were under review. Despite its value as an

5 Submission No 10, p. 117.

6 Submission No 20, p. 228; Transcript, 5 July 2001, p. 6.

7 Submission No 20, p. 228.

8 *ibid.*

9 Submission No 10, p. 118.

10 *ibid.*

emerging coalition of member institutions, this submission also noted that APF was seen at the regional level, and especially by potential donors, as an Australian institution. This had hindered, to an extent, APF's ability to gain an appropriate level of regional and international support for its core activities.¹¹

- 5.16 One of APF's important regional initiatives was the establishment of the Advisory Council of Jurists. Its members are eminent jurists who have held high judicial office or senior academic or human rights appointments. Each APF member may nominate one of its nationals to sit on the Council for a five year term that may be renewed once. The submission from HREOC / APF noted that, for the first time, a permanent international juridical body was in a position to assess and review human rights issues in the region.¹²
- 5.17 APF works closely with the UN, and UNHCHR in particular. That relationship includes joint work on the promotion and establishment of national institutions and a regional human rights arrangement for the Asia-Pacific.¹³
- 5.18 In 2000 / 2001, APF received \$A0.225million from AusAID, and the funding was due to cease on 30 June 2001. In the Budget for 2001 / 2002, APF was allocated an increased figure of \$A0.5million.¹⁴

United Nations High Commissioner for Human Rights

- 5.19 Since 1995, Australia has provided \$A1.352million to the office of UNHCHR to support its global work on building national human rights. These funds are used for technical cooperation activities addressing the promotion and protection of human rights, specifically related to national institutions in the Asia-Pacific region.¹⁵
- 5.20 In their submission, HREOC / APF drew attention to UNHCHR's active involvement in the establishment and strengthening of independent, effective national human rights institutions, in conformity with the *Paris Principles*.¹⁶

11 *ibid*, p. 119. At its Sixth Annual Meeting, scheduled for 24-27 September 2001, APF will examine establishment of a separate legal entity.

12 Submission No 10, p. 111.

13 *ibid*, p. 127.

14 *ibid*, p. 118; Submission No 20, p. 228.

15 Submission No 20, p. 229.

16 Submission No 10, p. 127. See paragraph 5.9 for the *Paris Principles*.

- 5.21 In the 2000/2001 and 2001/2002 Financial Years, UNHCHR was allocated \$A0.2million by AusAID.¹⁷

Human Rights Small Grants Scheme

- 5.22 The Human Rights Small Grants Scheme (HRSGS) provides small grants to in-country organisations, primarily non-government, for activities aimed at promoting and protecting human rights in a 'direct and tangible' way. Its focus is the Asia-Pacific region, although proposals from other regions are also supported. This reflects the Government's desire to give balance to Australia's international rights representations with constructive, grass-roots activities.
- 5.23 AusAID's submission included examples of activities funded by the HRSGS:
- training workshops on the investigation of human rights abuses in Indonesia;
 - support for victims of child trafficking in Thailand; and
 - a popular theatre program to educate poor rural communities in Bangladesh about their legal and human rights.
- 5.24 In 2000/2001, HRSGS received funding of \$A0.8million, and will also receive that amount in the 2001/2002 Financial Year.¹⁸

Centre for Democratic Institutions

- 5.25 CDI was established on 1 July 1998, and received funding of \$A5million for a five year period from the Foreign Affairs and Trade portfolio.¹⁹
- 5.26 CDI's mission statement is:
- To harness the best of Australia's democratic experience in support of developing countries' needs for good governance.²⁰
- 5.27 Its priorities are set on the basis of country and sector needs, and by determining areas of comparative advantage for Australia. Using

17 Submission No 20, p. 229.

18 *ibid*; see pp. 244-247 for activities supported under the HRSGS since 1997/1998. The amount for 2000/2001 was increased from \$A0.5million in 1999/2000: see Submission No 26, p. 377.

19 Submission No 20, p.229.

20 Submission No 3, p. 32. Unless specified otherwise, material in this section was drawn from this submission, pp. 32-37 (*passim*).

Australian expertise, CDI only operates in countries that receive aid and, as it responds to Australian Government priorities, works in the Asia-Pacific region.

- 5.28 In its submission, AusAID noted that CDI assisted in supporting good governance initiatives in developing countries, in particular the development and strengthening of democratic institutions. It worked with Australian institutions to provide support through information exchanges, training, short-term placements and networking.²¹
- 5.29 Within two broad themes of anti-corruption and human rights, CDI focused its activities on four key sectors:
- parliamentary processes;
 - judicial processes;
 - the media; and
 - civil society.²²
- 5.30 While the major focus was on parliaments and judiciaries, there was also some attention to the related offices of ombudsmen because they are key institutions in the Pacific, and because there is a growing interest from Asia in these positions.
- 5.31 In CDI's work, there was also a focus on civil society, to balance the institutional emphasis. Projects in this area were aimed at strengthening leadership in NGOs, and at increasing competence in the media.
- 5.32 Discussions with groups from CSOs 'invariably' raised corruption and human rights as the key priorities, and they have been used as additional themes. Projects were selected from discussions with priority targets, adapted from previous generations of capacity-building work. Rather than repeating AusAID's projects, CDI attempted to develop new ideas and methodologies.
- 5.33 In the 1999/2000 Financial Year, CDI trained 652 individuals over 3757 training days for 32 projects, including workshops for parliamentarians, media courses for journalists and anti-corruption courses.²³

21 Submission No 20, p. 229.

22 *ibid.*

23 *ibid.* In 2000/2001, there were 205 participants over 2106 training days for 18 projects.

Material in other submissions

- 5.34 Without referring specifically to CDI's work on good governance projects, **TI** drew attention to the need for transparency and accountability in governments. It noted that, when these were lacking, poor governance led to gross corruption, and to abuse of human rights.²⁴
- 5.35 **UNAA** saw value in both bilateral human rights dialogues, eg. with China, and the opportunities provided by the APF. It also believed that CDI had played a useful role, and that its role in the region could be strengthened. UNAA recommended that Australia should:
- increase its support for UN agencies involved in development, and for UNHCHR in particular, and
 - promote bilateral and regional human rights dialogues and the enhancement of regional human rights institutions.²⁵
- 5.36 **Oxfam** noted and commended Government support for the bodies and programs in the third item of the terms of reference. It believed that additional funding for HRSGS would demonstrate that Australia was as committed to 'grass-roots' activities as it was to developing democratic institutions through CDI.²⁶
- 5.37 Oxfam referred to the launching in 2000, by UNHCHR, of a Plan of Action to address its shortage of resources. Voluntary contributions had been sought from UN members. Oxfam regretted that Australia had declined to support this Plan of Action financially, and recommended that it should do so in 2001.²⁷
- 5.38 When it forwarded its submission to the inquiry, Oxfam was concerned that funding from AusAID for APF was due to finish on 30 June 2001. As noted above, APF's funding was increased in the 2001 / 2002 Budget.²⁸
- 5.39 It also recommended that Australia should provide specific funds to support UNHCHR in the field, and in the Asia-Pacific region particularly, and contribute specific funding for UNHCHR's to protect the rights of particularly vulnerable groups.²⁹

24 Submission No 3, p. 20.

25 Submission No 16, pp. 171-172.

26 Submission No 21, p. 275.

27 *ibid.*

28 *ibid.*, p. 276. See paragraph 5.18.

29 *ibid.*

- 5.40 ***Australian Legal Resources International (ALRI)*** stated that HRP needed to be re-examined, with a view to adapting its activities to present needs, so that the impact of changes on one area was passed onto others. Thus, the setting up of a national institution may need to be preceded by a deeper understanding of customary laws and practices and the economic and social conditions in which such an institution might function. Care had to be taken that programs did not isolate what passed for 'human rights' from the rest of the development activity that it is meant to sustain.³⁰
- 5.41 ALRI took the view that the aid program should play a higher profile role in the development of regional human rights arrangements in both the Asia-Pacific and ASEAN regions.
- 5.42 Efforts to bring about a regional inter-governmental human rights arrangement in South-East Asia had been discussed over several years. Dialogue between government officials and civil society had been positive, but it had not been successful in bringing about an agreement. ALRI believed that Australia should play a higher role in South-East Asia than that played at present by aid partners from other regions.³¹
- 5.43 The ***Human Rights Council of Australia*** noted that the offices of the UNHCHR and UNDP had signed a memorandum of understanding to collaborate on the promotion of human rights. This was the latest joint initiative between these organisations. The Council's submission referred to the Human Rights Strengthening Project (Hurist), and to a symposium in Oslo, co-hosted with the Norwegian Government.
- 5.44 It pointed out that there were now Hurist pilot projects in all continents, including some aimed at the formulation of human rights action plans. These were the result of an Australian initiative at the Vienna World Conference on Human Rights, in 1993. The successful propagation of the Hurist initiatives was dependent on contributions by donors, and the Council recommended that Australia should provide 'a sizeable grant' to UNDP to support Hurist.
- 5.45 This submission also noted that UN treaty bodies, in particular the human rights monitoring system, were dependent on accurate information, particularly in the periodic reports submitted on performance against treaty provisions.
- 5.46 The Council recommended that Australia should:
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30 Submission No 22, p. 285.

31 *ibid*, pp. 285-286.

- offer technical and other assistance to partner governments to enable them to fulfil their reporting requirements to the UN's human rights treaty monitoring bodies, and
 - offer to make available to Treaty monitoring bodies data and information from AusAID when periodic reports are considered from countries receiving aid from Australia.³²
- 5.47 In its submission, **Caritas Australia** drew attention to its experience in a number of program types in which AusAID is also involved, in particular:
- capacity building for NGOs;
 - programs that improve government administrations so that they can resist corruption and special interests;
 - programs that increase the skills, understanding and knowledge of the legal systems that are crucial to the implementation of human rights;
 - programs assisting in the development of national institutions;
 - programs designed to increase public understanding of human rights standards, especially at schools, and by NGOs;³³ and
 - programs assisting the development of the UN's human rights system, or advocacy by NGOs relating to it.³⁴
- 5.48 The views of Caritas and the Human Rights Council of Australia were similar, as they both stressed advocacy of human rights at the UN by NGOs from developing countries. Caritas pointed out that this could be 'expensive, time consuming and can produce unrealistic expectations'. It believed that this advocacy was best funded through NGOs, as it required extensive networks. The process also needed to be part of a comprehensive lobby, and to complement in-country advocacy work.
- 5.49 Caritas pointed out that the UN was often marginal to the implementation of human rights because, in its view, the current system was compromised.³⁵
- 5.50 **UNICEF** supported activities under AusAID's overall HRP. It noted that the good governance initiatives had encouraged acceptance within the international community of the notion that the right to development helped promote a culture of prevention.
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32 Submission No 23, pp. 299-300.

33 Caritas believed that the Australian aid program had failed to achieve this result at the school level.

34 Submission No 24, pp. 321-323.

35 *ibid*, pp. 324-325. See paragraph 3.71.

- 5.51 It applauded human rights training for officials in neighbouring countries as an essential element of a rights-based aid program. UNICEF saw governance work through HRF and CDI as complementary to other elements of the aid program. It urged the Australian Government to continue to maintain good governance as a priority in its aid and trade programs.³⁶
- 5.52 In its consideration of HRSGS, **ACFOA** recommended:
- a review of the Scheme and increased funding to meet the genuine needs it reveals;
 - publication of the guidelines and contact points on the DFAT/AusAID websites, and distribution to key NGOs; and
 - provision of a small proportion of funds to support NGO participation in international forums, such as meetings of the UN Commission on Human Rights.³⁷
- 5.53 ACFOA regarded the National Human Rights Institutions (NHRI) program as an important contribution to building long-term, sustainable institutions for the promotion and protection of human rights in the Asia-Pacific region. It noted Australia's funding to NHRI, and the provision of APF's Secretariat by HREOC.³⁸
- 5.54 It strongly encouraged APF to continue and expand this practice, noting NGO involvement at its Annual Meeting.³⁹
- 5.55 ACFOA saw the establishment of the Advisory Council of Jurists by APF as an innovation with the potential to promote human rights by providing jurisprudential support in this region. ACFOA believed that national institutions should be encouraged to consult with their domestic NGOs about the issues that could usefully be addressed to this Advisory Council.⁴⁰
- 5.56 It also argued that national institutions should be given a broader mandate to deal with both civil and political rights and economic, social and cultural rights, at both an individual and systemic level. ACFOA noted that the role of national institutions in the promotion and protection of economic, social and cultural rights was a major theme at the APF's meeting in August 2000. This had included consideration of the idea of
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36 Submission No 25, p. 343.

37 Submission No 26, p. 378.

38 *ibid*, p. 378.

39 *ibid*, p. 379.

40 *ibid*, p. 379. See paragraph 5.16.

national institutions having the capacity to assess the impact of globalisation and trade liberalisation on the ability of their governments to fulfil their human rights obligations, and economic and social rights in particular.⁴¹

5.57 ACFOA believed that Australia has an interest and an obligation to continue to support the building of transparent and accountable human rights institutions in the Asia-Pacific region. To do this, it argued, the APF Secretariat had to have adequate resources:

- to meet the educational and training needs of Commissioners and their staff;
- to provide or arrange relevant technical assistance for drafting of domestic laws to ensure that newly established national institutions are constituted by statute, guaranteeing independence from government and conform to the *Paris Principles*; and
- to monitor the development of each incitation on a continuing basis, to provide advice and support when required.⁴²

5.58 ACFOA therefore recommended increased or maintained funding for:

- APF's Secretariat;⁴³
- a full-time, permanent, international human rights lawyer to service APF's Advisory Council of Jurists;
- support for NGO participation at APF, for attendance at its annual meeting and at regional workshops; and
- the global NHRI program, through UNHCHR's Voluntary Trust Fund.⁴⁴

5.59 ACFOA believed that CDI had made an important contribution to the development of good governance and human rights standards, through its international training and seminar programs.⁴⁵

5.60 Since 1993, ACFOA stated that it had advocated the establishment of an independent Centre for Human Rights Dialogue and Conflict Resolution. The mandate of such a body would be to recognise links between human rights abuses and unresolved political conflict in the Asia-Pacific region. It

41 Submission No 26, p. 380.

42 *ibid.*

43 Additional funding was included in the 2001 / 2002 Budget: see paragraph 5.18.

44 Submission No 26, p. 381. See paragraph 5.53.

45 Submission No 26, pp. 381, 382.

would meet the need for applied research, policy development and the provision of specialist information on human rights and conflict resolution in this region.

- 5.61 It recommended that the Australian Government provide \$A5million over five years to establish such a Centre.⁴⁶
- 5.62 ACFOA dealt with funding for UNHCHR, noting Australia's decision not to contribute to the Plan of Action and expressing the view that such a contribution would enhance this country's credibility and *bona fides* as a country genuinely interested in strengthening the system of human rights protection.
- 5.63 It recommended that the Australian Government investigate the funding needs of UNHCHR, with a view:
- to providing specific funds to support activities of UNHCHR, particularly in the Asia-Pacific, African and Latin American regions, with funds reserved to support activities protecting the rights of vulnerable groups;⁴⁷
 - to contributing to specific funds to support technical assistance for the development of national plans of action for human rights and legislative reform, to ensure consistency with international human rights standards; and
 - to supporting actively provision of funding to UNHCHR to improve its capacity to conduct effective planning and preparation for field missions in the context of UN-sponsored peacekeeping operations.⁴⁸

Conclusions

- 5.64 Among the points that emerged from the material received by this inquiry was the support given by participating organisations for the role undertaken in the Asia-Pacific region by both APF and CDI. In particular, there was a concern to guarantee funding for APF's Secretariat beyond the end of the 2000 / 2001 Financial Year. AusAID increased its funding for APF in the Budget for the 2001 / 2002 Financial Year.⁴⁹

46 *ibid*, p. 382.

47 See also paragraph 5.41.

48 Submission No 26, p. 384.

49 See paragraph 5.18.

- 5.65 There was also considerable support for the greater involvement of NGOs in APF's processes, and for increasing the capacity of national human rights institutions to operate effectively.
- 5.66 **The Committee notes the support AusAID is giving to the Asia Pacific Forum of National Human Rights Institutions, the Centre for Democratic Institutions and the United Nations High Commissioner for Human Rights and, if it is not possible to increase the allocations to these bodies in the future, encourages AusAID to continue the current levels of assistance.**