

Australia's involvement in human rights and good governance education

Introduction

- 3.1 Australia is involved in human rights and good governance education across a broad spectrum of activities.
- 3.2 The Committee believes that a solid domestic programme of human rights and good governance education, not only in schools but also in workplaces and the broader community, would assist with Australia's promotion of human rights and good governance education in the region.
- 3.3 The submissions received in the course of the inquiry highlighted a diverse range of domestic human rights and good governance education programmes within primary and secondary schools and at the tertiary level.
- 3.4 Australia is also engaged in promoting human rights and good governance education in the Asia Pacific region through bilateral and multilateral development assistance activities, regional forums and organisations, and non-government organisations.
- 3.5 Australia has also supported human rights and good governance education internationally, primarily through the United Nations and attendant bodies.
- 3.6 This chapter will outline current policy, describe the range of domestic, regional and international initiatives undertaken and promoted by Australia, and highlight obstacles to the progress of human rights and good governance education brought to the Committee's attention during

the inquiry. As there are many programmes that either directly or indirectly address human rights and good governance education the Committee will not attempt to describe all projects but will concentrate on those raised in the evidence received during the inquiry. The question of whether or not Australia has met the goals of the UN Decade for human rights education will be addressed in Chapter 5.

Domestic programmes

- 3.7 In principle, Australia is obligated to undertake human rights education through the international instruments to which it is a party, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration on Human Rights.
- 3.8 There is a wide range of domestic initiatives undertaken by Commonwealth and State government agencies and non-government organisations to promote human rights and good governance education (which may also be termed ‘civics’).
- 3.9 In 2002, the National Committee for Human Rights Education hosted the *Dignity, Democracy, Equality: National Strategic Conference on Human Rights Education*. The conference was intended to bring a national strategic focus to the question of human rights education in Australia, with two main questions being put to the conference: the state of play in human rights education in Australia, and measures to further develop human rights education into the future.¹
- 3.10 The Conference resulted in a raft of recommendations including workplace, teacher training and curriculum development, the media, schools and universities, and the legal profession.²

Commonwealth Initiatives

Schools

- 3.11 Constitutional responsibility for education and training in Australia rests with the States and Territories. Within each State and Territory, education ministers, education departments, statutory authorities and individual

1 Submission 22, NCHRE, p.27

2 Submission 22, NCHRE, pp.4-7

schools determine policies and practices on matters such as curriculum, course accreditation, student assessment, resources allocation and teacher training and employment.

- 3.12 The Commonwealth's role broadly incorporates funding education and training, and shaping education and training policy.
- 3.13 The Committee is aware that there is a range of primary and secondary level programmes of human rights and good governance education (often referred to as 'civics') at the Commonwealth and State/Territory levels. Human rights education is mostly integrated into other subject areas such as studies of society and environment.

Primary and Secondary school

Discovering Democracy

- 3.14 *Discovering Democracy* is a civics and citizenship education programme coordinated by the Department of Education, Science and Training (DEST). The programme aims to assist students to learn about Australia's democratic heritage and the values underpinning it such as liberty, fairness, trust, mutual respect and social cooperation. The programme also teaches students about the operation of the Australian system of government and law and what it means to be an Australian today. The programme supports the goal espoused in the National Goals for Schooling in the Twenty-First Century that students upon leaving school should be active and informed citizens with an understanding and appreciation of Australia's system of government and civic life.³
- 3.15 *Discovering Democracy* received \$18 million in funding from 1997 to 2000 and a further \$13.6 million to extend the programme to June 2004 to help embed it in schools. Funding has been provided for curriculum resources, teacher professional development and national activities to support the programme.⁴
- 3.16 The programme has a unit on human rights which aims to help students understand the United Nations Universal Declaration on human rights and struggles for democracy overseas. A unit on global citizenship is being developed for the *Discovering Democracy* website.⁵
- 3.17 The 2002 *National Strategic Conference on Human Rights Education* identified this programme as being the flagship Commonwealth curriculum

3 Submission 31, DEST, p.1.

4 Submission 31, DEST, p.2.

5 Submission 31, DEST, p.2. See www.curriculum.edu.au/democracy/index.htm

programme for human rights education. While it is recognised that the Discovering Democracy programme has one unit on human rights, the Conference suggested that human rights education needed to be incorporated into all levels of the programme.

- 3.18 With respect to the intimate link between democracy and human rights, the Committee supports the observations of the Conference.
- 3.19 The Committee notes that although *Discovering Democracy* concludes at the end of June 2004, the Government has announced further funding for the area of civics and citizenship education in Budget 2004-05. The new funding will provide “\$34.7 million over four years for values, civics and citizenship education initiatives” which will “provide for a continuation of the Civics and Citizenship Education programme, which assists students to learn about the values underpinning Australia’s democracy”.⁶ It is expected that the continued funding “will build on the *Discovering Democracy* programme”.⁷

Recommendation 2

The Committee recommends that human rights education be incorporated into all levels of civics and citizenship education initiatives

Citizenship for Humanity

- 3.20 The *Citizenship for Humanity* project is one of the key initiatives of the NCHRE and was launched with the support of the Committee at Parliament House on 10 December 2002.
- 3.21 The *Citizenship for Humanity Project* is based on the idea of partnership and mobilisation of all citizens concerned about human rights and their promotion in Australia. Schools are provided with a lesson guide comprising four sections: What are Human Rights; One Human Family; Celebrating Diversity; and Justice - A Fair Go for All. The lesson guide is designed to allow students to work through the material and to instigate classroom discussion. The project particularly encourages final year primary school students to take time to reflect on human rights and their importance in our community. Certificates of Humanity are awarded in

6 Budget 2004-05, Budget Paper No. 2, Part 2: Expense Measures: Education, Science and Training - *Values for Life Initiative*

7 Media release, Dr Brendan Nelson, Minister for Education, Science and Training, *\$34.6 million for values, civics and citizenship education*, 11 May 2004 MINBUD 12/04

recognition of student participation and affirmation of human rights values.

- 3.22 The Citizenship for Humanity Project can also be carried out in other environments – e.g. community organisations, workplaces, youth groups, churches and faiths.⁸
- 3.23 The NCHRE reports that progress of the Citizenship for Humanity Programme is very slow, with few state human rights education committees taking up the initiative. The NCHRE reported that only the Victorian government has agreed to take the project on board through schools.⁹ The Committee is concerned at the slow take up of this important initiative. This is a key initiative for the NCHRE and does not reflect well on the level of coordination or cooperation regarding human rights and good governance education for NCHRE or for Australia.

Living in Harmony

- 3.24 *Living in Harmony* is administered by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). This initiative provides a framework for combating racism and involves a community grants programme, a partnerships programme with a range of government and non-government agencies and a public information strategy.¹⁰

HREOC programmes

- 3.25 HREOC has statutory obligations to promote human rights in Australia.¹¹ In line with these obligations, HREOC has developed and delivers a broad range of human rights education programmes. The Commission's education strategy is aimed at school teachers and students by way of workshops and online web materials and activities.¹²
- 3.26 The flagship programme is *Youth Challenge*, which since its inception in 1998 has enabled 500 000 students to obtain study materials, increasingly delivered on-line. HREOC's electronic mailing list, established in 2002, now has approximately 3500 teachers as subscribers who receive the monthly update newsletter.¹³

8 NCHRE, *Citizen for Humanity Project* <http://www.nchre-australia.org/project.html>. See also the NSW Human Rights Education Committee at <http://www.nswhrec.freesevers.com/citizenshipforhumanity.htm>

9 Transcript 3 April 2003, FADT 29.

10 Submission 44, Attorney-General's Department, p.4.

11 Submission 37, HREOC, p.2.

12 Submission 21, HREOC, p.7.

13 Transcript, 16 May 2003, FADT 87-88.

- 3.27 In 1998-2000, HREOC conducted a series of workshops under the title *Youth Challenge: Human Rights, Human Values*. While HREOC reports the initiative was well received, it was limited by the relatively small number of students and teachers from each school who were able to attend the workshops.¹⁴
- 3.28 In response to the difficulty of reaching all 1489 secondary schools in the Australian education system, HREOC has developed a comprehensive on-line human rights education strategy. Most recently, in 2001 HREOC developed an on-line module of *Youth Challenge*. The programme consists of:
- online education modules;
 - current issues series
 - human rights education promotion, including making links with curricula;
 - external human rights education resource collection; and
 - electronic mailing list.¹⁵
- 3.29 HREOC describes the *Youth Challenge* module, which was short listed for The Australian's 2002 Awards for Excellence in Educational Publishing, as being flexible, focusing on real life issues and able to be used across many curricular areas including history, English, civics / citizenship, legal studies and studies of society and environment.¹⁶
- 3.30 HREOC has also launched an on-line *Information for Teachers* portal to provide teachers with up-to-date material and assist in the design of lessons across many subjects.¹⁷
- 3.31 The latest resource for teachers, *Teaching Human Rights and Responsibilities* was released in June 2003.¹⁸
- 3.32 HREOC states that their website is very heavily used with 3.5 million page views per annum and around 36 million hits per annum.¹⁹ Detailed information on available education materials may be accessed via the HREOC website at <http://www.hreoc.gov.au/>
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14 Submission 21, HREOC, p.8.

15 Submission 21, HREOC, p.8.

16 Submission 21, HREOC, p.8-9.

17 Submission 21, HREOC, p.9-10.

18 Transcript, 16 May 2003, FADT 88.

19 Transcript, 16 May 2003, FADT 88.

Commonwealth Parliament

- 3.33 Both houses of the Australian Parliament contribute to school education on human rights and good governance.²⁰
- 3.34 The Parliamentary Education Office (PEO), which is jointly funded by the House of Representatives and the Senate, was specifically established to develop understanding of Australia's parliamentary system among primary and secondary students.²¹ These programmes are delivered in Parliament House, local schools, and State Parliaments and local councils. The PEO also has a programme of visits to regional centres across Australia.²²

Curriculum Corporation

- 3.35 Curriculum Corporation is an independent company owned by all Australian Ministers for Education that works in the development of curriculum material supporting rights, peace and justice education.²³
- 3.36 As part of the *Global Education* project funded by the Commonwealth Government, Curriculum Corporation developed a statement to support global education in Australian schools in 2002, which provides a reference point for educators seeking to include a global education perspective in their curriculum.²⁴
- 3.37 In 2001 the Federal Court of Australia commissioned Curriculum Corporation to design, develop and implement a national curriculum resource project, to foster teaching and learning in law and justice and the Australian legal system. This project produced two teaching and learning units, supported by a video, focused on actual cases on which the Court had adjudicated²⁵.
- 3.38 The Corporation manages the *Values Education Study* on behalf of DEST. This project comprises three aspects²⁶:
- a review of current Australian and overseas research on values education;

20 Submission 7, Speaker of the House of Representatives, p.1 and Submission 15, President of the Senate, p.2.

21 Submission 7, Speaker of the House of Representatives, p.1.

22 PEO website at <http://www.peo.gov.au/programs/index.html#primary> (page updated: May 24, 2004)

23 Submission 10, Curriculum Corporation, p.2.

24 Submission 10, Curriculum Corporation, p.2.

25 Submission 10, Curriculum Corporation, p.3.

26 Submission 10, Curriculum Corporation, p.4.

- research to determine parent, teacher and student views on the values the community expects Australian schools to foster; and
- action research with a range of schools to develop and demonstrate good practice in values education.

3.39 The Corporation is also involved in the Commonwealth's *Discovering Democracy* programme²⁷ and manages the development and publication of a number of print, audiovisual and electronic resources.

Tertiary

3.40 Most Australian universities, particularly those with law schools and / or programmes in international relations, have, at a minimum, specific units or components of units on human rights. A number of universities also have more extensive programmes in human rights. In addition, many institutions offer units in governance as part of broader programmes of study, for example, public sector administration or development studies.

3.41 The Committee is aware that at the tertiary level a number of universities host human rights research centres. These centres predominantly focus on research; although they do have an educative role in that information is disseminated through seminars, workshops and the dissemination of research papers and other publications. The Committee encourages and supports the work of these institutions.²⁸

3.42 In the course of the inquiry, the Committee was informed of the establishment of a centre specifically aimed at human rights education.

3.43 The Centre for Human Rights Education at Curtin University of Technology was established in January 2003 following the appointment of Professor Jim Ife as inaugural Haruhisa Handa Professor of Human Rights Education.

3.44 Professor Ife outlined four key elements in the philosophy of the Centre, which will:

- take a broad view of education, including formal and community education;
 - take a multidisciplinary view of human rights;
 - aim to provide a strong link between scholarship and practice; and
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27 Submission 10, Curriculum Corporation, p.3.

28 For example: The Castan Centre for Human Rights Law (Monash University), the Australian Human Rights Centre (UNSW), and the Centre for Human Rights Education (Curtin University of Technology).

- be committed to a genuinely cross-cultural approach.²⁹
- 3.45 Professor Ife envisaged a broad range of activities for the Centre, although at this time the priority has been to establish post-graduate courses.³⁰ In the future the Centre will offer short courses in human rights (for example, human rights and business and human rights and policing), public workshops and seminars on human rights issues, be a focal point for research into human rights practice and education, and seek consultancies around the development of human rights education programmes.³¹
- 3.46 Professor Ife indicated that the programmes offered by the Centre will be open to domestic students and students from the Asia Pacific region. In this regard, Professor Ife has suggested that AusAID provide scholarships for overseas students to undertake courses at the Centre. AusAID advised that overseas students can study human rights courses at education institutions (including Curtin University) contracted to AusAID under the Australian Development Scholarship (ADS) scheme. ADS scholarships are not earmarked for particular courses, nor tied to a particular institution.³²
- 3.47 Professor Ife also identified domestic students, including from Aboriginal and Torres Strait Islander communities, who would also benefit from scholarships.³³ However, Professor Ife recognised the need for the Centre to develop its own funding sources through student fees and consultancy opportunities.³⁴
- 3.48 Professor Ife also indicated that while the focus of the Centre's programmes will be on human rights, he sees governance as central to the programmes offered.³⁵
- 3.49 The Committee notes that, while there appears to be a number of institutions that have a focus on human rights, it is not clear whether there are cooperative mechanisms or frameworks between them.

29 Transcript, 3 April 2003, FADT 2.

30 Transcript, 3 April 2003, FADT 2. The Centre is offering two Masters courses in Human Rights Practice and Human Rights Education. See *Centre for Human Rights Education - Courses* <http://www.humanities.curtin.edu.au/cgi-bin/view?area=hre&dir=Home&page=Courses> (modified on 27-05-2004)

31 Centre for Human Rights Education. 2003. *An Introduction to the Centre for Human Rights Education*. Curtin University of Technology, March 2003

32 Submission 41, AusAID, p.2.

33 Transcript, 3 April 2003, FADT 2 and 5.

34 Transcript, 3 April 2003, FADT 3.

35 Transcript, 3 April 2003, FADT 5.

- 3.50 The Centre for Democratic Institutions suggested that the links between tertiary academic institutions teaching human rights be strengthened through exchanges of people and materials as a way of enhancing human rights education.³⁶ The Committee strongly supports this suggestion.
- 3.51 The 2002 *National Strategic Conference on Human Rights Education* also highlighted the key role played by university law schools in providing human rights education. It was noted that human rights courses are generally optional in law schools rather than forming a part of the core curriculum, and there is an absence of mainstreaming human rights across the legal curriculum.³⁷
- 3.52 Almost every field of law has human rights implications, and a broader understanding of human rights by law graduates would filter down into a range of professions and employment sectors which would assist in the protection and promotion of human rights. The Committee, therefore, encourages Australian law schools, and the legal profession, to incorporate human rights into the core curriculum in Australian law schools.

State Government

Primary and Secondary school human rights education programmes

- 3.53 The Committee sought submissions from all state and territory governments and education authorities. Apart from the ACT and WA governments, no other state government or state education authority made a submission to the inquiry. As such, the Committee is not in a position to discuss fully state or territory school based human rights and good governance education initiatives. The Committee was disappointed with the lack of participation on the part of state and territory governments, considering the important role that state and territory governments and education authorities play in delivering human rights and governance education.
- 3.54 As discussed above, state and territory education authorities and teachers may incorporate material developed by DEST and HREOC and delivered through the *Discovering Democracy* and *Youth Challenge* programmes. In the face of what was described as a 'packed curriculum', HREOC argued that the Commonwealth relies on cooperative ventures such as the Ministerial Council on Education, Employment, Training and Youth

36 Submission 38, Centre for Democratic Institutions, p.2.

37 Submission 22, NCHRE, p.35.

Affairs (MCEETYA) to incorporate topics like human rights into the state and territory education curriculum.³⁸

3.55 DEST informed the Committee that all education ministers have agreed to the development of student performance indicators for civics and citizenship education. Assessment will be through a representative national sample survey of Year 6 and Year 10 students. Work on these measures is ongoing and the first survey will be held in 2004 with subsequent surveys and three-yearly intervals.³⁹

3.56 In addition, two key performance measures have been developed for civics and citizenship education:

- the first to focus on civic knowledge and understanding; and
- the second on citizenship participation skills and civic values.

3.57 DEST indicated that the assessment items are being trialled before the first national survey.⁴⁰

3.58 The WA Government submitted that human rights education is embedded in the *WA Curriculum Framework* (in the Society and Environment learning area), which is being implemented in all schools from Kindergarten to Year 12. The programme is designed so that students understanding of the concepts and values that support human rights are developed at increasing levels of sophistication through achievement of the outcomes identified in the framework. Students need to develop an understanding of:

- civic responsibility and social competence;
- the worldviews that are reflected in different interpretations and perspectives of people, places, events; and
- the concepts and practices that support democratic processes and principles of social justice and ecological sustainability and enable students to take appropriate social action.⁴¹

Conclusion

3.59 The Committee welcomes and supports state and territory efforts towards promoting human rights and good governance education in their

38 Submission 37, HREOC, p.3.

39 Submission 31, DEST, p.1.

40 Submission 31, DEST, p.1.

41 Submission 42, WA Government, p.1.

respective curriculum. However, the Committee also notes the observation from the 2002 *National Strategic Conference on Human Rights Education* that, apart from Victoria, ‘the United Nations Decade on Human Rights Education has made very little impact as yet on state education systems’.⁴²

- 3.60 The Conference also found that human rights and good governance education, particularly in schools, is approached in a multitude of ways ‘depending on the perspective underlying a particular programme: civics, values, anti-racism etc’. While it is conceded that this brings certain benefits, such as providing context to concrete human rights issues, it results in the ‘fracturing’ of human rights and good governance education and the ‘absence of coherence from the point of view of human rights education as a whole’. This does not help in the development of coherent human rights and good governance education programmes and ‘it represents a human rights education constituency which is divided and generally does not communicate across thematic boundaries’.⁴³
- 3.61 In light of the clear need for a coordinated approach regarding human rights and good governance education, the Committee believes that the Minister for Education, in collaboration with state and territory Ministers on the Ministerial Council on Education, Employment, Training and Youth Affairs, should work towards developing a coherent and consistent approach to human rights education, and to providing human rights education with a formal role in the education system.

Recommendation 3

The Committee recommends that the Minister for Education, in collaboration with state and territory Ministers on the Ministerial Council on Education, Employment, Training and Youth Affairs, develop a coherent and consistent approach to human rights education, and to providing human rights education with a formal role in the education system.

Workplace/Government

- 3.62 The Committee supports the principle that human rights education should be broad and be accessible to all sections of the community. The importance of ensuring human rights and good governance education is

42 Submission 22, NCHRE, p.32

43 Submission 22, NCHRE, p.32

promoted at all levels of society was highlighted by a number of submissions⁴⁴.

- 3.63 The Human Rights sub-Committee has addressed the issue of human rights training in the workplace, specifically for Commonwealth officers and defence personnel, in its 1992 report *A Review of Australia's Efforts to Promote and Protect Human Rights*.
- 3.64 While the establishment of human rights and good governance education within primary and secondary education curricula has received the most attention, the 2002 *National Strategic Conference on Human Rights Education* observed that there appeared to be a high level of 'illiteracy' in regard to human rights in the workplace.⁴⁵
- 3.65 The Committee notes that HREOC has a comprehensive section on its website containing human rights information for employers, which outlines their responsibilities and obligations, and provides a summary of relevant human rights, anti-discrimination and equal opportunity legislation in Australia.⁴⁶ This is a valuable resource and should probably be more widely promoted by HREOC to employers and employees.
- 3.66 More specifically, the NCHRE argued that there is a notable absence of comprehensive human rights educational programmes for Commonwealth public sector employees, which 'represents a key weakness in the capacity of the Government to deliver on human rights commitments'.⁴⁷ Chief Justice Malcolm observed that:

One continually receives anecdotal evidence in the courts about the people who have been given short shrift in their dealings with government departments, one way or another. I think there is a concept of due process: people who feel they have been wiped off without being listened to or have not been given an opportunity to adequately put their case in relation to a particular issue.⁴⁸

- 3.67 All public service agencies have some form of workplace equity and diversity, or similar, training programmes in place. A number of Commonwealth Government departments, such as DFAT and Defence, have more specific human rights education programmes.

44 Submission 26, Australian Lawyers for Human Rights, p.6; Submission 16, UNICEF Australia, p.4; Submission 25, Australian Volunteers International, p.2.

45 Submission 22, NCHRE, p.30.

46 See: *Information for Employers*, http://www.hreoc.gov.au/info_for_employers/index.html (updated 2 December 2001)

47 Submission 22, NCHRE, p.13.

48 Transcript 3 April 2003, FADT 29.

Defence

- 3.68 The Department of Defence provided the Committee with a detailed description of the various programmes it has in place. Defence considers knowledge of human rights, and equality and diversity to be a strategic necessity and an important component of operational capability and effectiveness. Given the range of military and humanitarian operations that the defence forces have had to undertake, including the recent Solomon Islands operation, knowledge of human rights is critical.
- 3.69 General workplace training programmes provided to defence personnel include: equity and diversity awareness; Defence: Fair, Inclusive and Bully Free; Cultural diversity; Understanding Sexual Orientation; and, Equity Advisor Training. Defence Force members are provided with a range of more specific training programmes, including: workplace training for ADF staff of career management agencies; career development training; leadership education and; pre-deployment training. Pre-deployment training incorporates programmes covering: the law of armed conflict; personal conduct and cultural briefings.⁴⁹
- 3.70 Australian Public Service (APS) employees in the ADF are encouraged to undertake units of the public service training package: *Work Effectively with Diversity* and *Manage Diversity*.⁵⁰
- 3.71 The Committee believes that the successful conduct of recent operations such as East Timor, Bougainville, Afghanistan and Iraq, reflects the value and importance of these human rights education efforts.
- 3.72 However, the Human Rights Council of Australia (HRCA) highlighted the need for defence personnel to be provided with specific human rights training, given the changing nature of likely operations and engagements, which are increasingly focused on maintaining law and order. While the HRCA recognises that defence training incorporates the basics of international humanitarian law (as described above), the types of operations in which defence forces are involved are increasingly covered by international human rights law, rather than the rules of war as codified by the Geneva Convention. Human rights training would 'ensure Australian defence personnel are aware of their obligation in the full range of possible scenarios they may face'. In terms of the broader impact of such training, the HRCA points out that Australia provides human rights training to the military in the Philippines and other countries and that:

49 Submission 27, Department of Defence, p.2.

50 Submission 27, Department of Defence, p.5.

Developing an appropriate human rights training programme for the Australian military will have the added advantage of improving our support for existing and new training programmes of military forces in the Asia-Pacific region.⁵¹

Recommendation 4

The Committee recommends that the Department of Defence ensure that pre-deployment training includes a specific human rights education programme, focusing on international human rights law.

DFAT

- 3.73 DFAT has been running human rights training courses for its officers since 1995, which are currently conducted by the Castan Centre for Human Rights Law. Since 1997, AusAID has provided nine human rights training sessions for staff, the last two being provided by the ANU's National Centre for Development Studies.⁵²
- 3.74 Despite the two examples given above, it was suggested to the Committee that there does not appear to be an appreciation within the broader public service that many public sector functions and duties have human rights implications. Professor Kinley from the Castan Centre for Human Rights Law observed that:
- It does strike me that those in Western democracies—and Australia is no exception—often do not fully appreciate that their agencies are delivering human rights. Housing bureaucrats and those who cover welfare and education are dealing with human rights issues.⁵³
- 3.75 The Castan Centre suggests that HREOC and the various state Equal Opportunity Commissions would be the institutions best positioned for analysing the need for further workplace human rights education⁵⁴.
- 3.76 HREOC agreed that it was important that public sector employees receive training on human rights issues, particularly those whose work is affected by obligations under international treaties on human rights. HREOC pointed out that they work in conjunction with the Public Service and

51 Submission 32, HREOC, p.2.

52 Submission 9, AusAID/DFAT, p.14.

53 Transcript, 12 May 2003, FADT 66.

54 Submission 40, Castan Centre for Human Rights Law, p.9.

Merit Protection Commission (PSMPC) to deliver training to public sector employees conducting investigations⁵⁵.

3.77 Similarly, the Human Rights Council of Australia argued that there is an 'urgent need to encourage the bureaucracy at both Federal and State levels to initiate programmes within the various government portfolios.'⁵⁶

3.78 In addition, during the Committee's review of immigration detention centres (2003),⁵⁷ the issue of adequacy of the human rights training of officers working with unlawful arrivals and asylum seekers was raised, which highlighted the need for a broad approach in promoting human rights education in the Commonwealth public service and associated agencies.

3.79 During this review the Committee was advised by ASIO and the AFP that whilst direct human rights training was not provided, training in the legality, propriety and ethical standards required when interacting with the community in a range of situations, including contact with asylum seekers was provided and the principles of human rights were inherent in all training provided.

3.80 While the Committee noted that officers are obliged and trained to respect the 'dignity, cultural and religious sensitivities of all individuals within the community' the Committee considered it important that officers should also have a thorough understanding of Australia's obligations under the various human rights treaties to which we are signatory and also its obligations under the Convention relating to the Status of Refugees (1951) and the Protocol relating to the Status of Refugees (1967).

3.81 To this end, in its statement on detention centres, the Committee suggested that the relevant ministers should develop in consultation with the Office of the High Commission for Human Rights and the Office of the United Nations High Commission for Refugees, a specific training course for officers dealing with unlawful entrants and asylum seekers.

3.82 In the course of this inquiry, the Committee was concerned with ensuring human rights education was provided, or at least made accessible, to those who would not normally come into contact with the debate, such as in the workplace and the broader community. The Committee believes that the effects of diminished human rights and civil rights affect those who are

55 Submission 37, HREOC, p.4.

56 Submission 32, Human Rights Council of Australia, p.1.

57 *Statement to the Parliament on the JSCFADT Human Rights Sub-Committee's recent activities concerning conditions within immigration detention centres and the treatment of detainees*, Joint Standing Committee on Foreign Affairs, Defence and Trade; 3 October 2003

most powerless in our society and awareness of this is a gap in the current approaches to human rights education.

- 3.83 As discussed in Chapter 2, there has been some debate regarding the usefulness of a public education campaign to raise awareness of human rights. While there was no consensus on the issue, the Committee believes that the information available on the HREOC website relating to human rights in the workplace needs to be more widely promoted to address the perceived high level of 'illiteracy' in regard to human rights in the workplace.
- 3.84 Professor Ife agreed that the broad promotion of human rights is a challenge and suggested that human rights education needs to be brought into 'places where people are, rather than seeing them as somewhere else' and suggested that it is important *how* human rights are taught, particularly in schools. Educating in human rights by example, such as in the way bullying is treated or racial diversity, may be appropriate comparisons.⁵⁸
- 3.85 In particular, and reiterating the Committee's 1992 report, the Committee is concerned that human rights education is more broadly adopted within the Commonwealth public service, given that many of the duties undertaken by public servants have human rights implications. Similarly, it would be expected that State and Territory governments would also act to ensure that broad human rights training is provided to employees, particularly those involved in areas that have direct human rights implications such as policing and social services.
- 3.86 In addition, given the comments by participants at the 2002 *National Strategic Conference on Human Rights Education* that there is a concerning level of illiteracy in the workplace regarding human rights, the Committee believes that the NCHRE should convene a forum focusing specifically on human rights education in the workplace.

Recommendation 5

That human rights education be provided to all Commonwealth public sector employees, particularly those whose work is affected by International Human Rights agreements.

58 Transcript, 3 April 2003, FADT 10.

Recommendation 6

The Committee recommends that the NCHRE convene a forum specifically focusing on human rights education in the workplace.

Media

- 3.87 A free and active media can promote better governance and educate citizens about good governance and human rights. However, there is a distinction between a free media and one that is free and also responsible and prepared to report fairly and accurately. Chief Justice Malcolm argued that, while Australia has a free media it is important that:
- ...we have not only a free and open media but a responsible media that accurately reports as far as possible matters which are of public importance. For matters related to human rights, we do rely very heavily on the media and how to secure their understanding and cooperation, why certain things are regarded as improper or unfair, the responsibility which they have of ensuring that there are fair and accurate reports of what is happening in a particular country and to acknowledge that progress that has been made.⁵⁹
- 3.88 The 2002 *National Strategic Conference on Human Rights Education* also highlighted the important role of the media in promoting human rights, noting that every topic of public debate can include a human rights context.⁶⁰
- 3.89 Of particular note was the work of SBS in broadcasting a week of human rights programming in 2001. The Committee notes that Mr Tuong Quang Luu, from SBS, is now on the NCHRE giving them a link to the media that was previously lacking.⁶¹
- 3.90 The Committee is also aware of and supports the human rights print media award presented annually by HREOC.
- 3.91 However, it was also observed by the NCHRE that ‘journalists often miss opportunities to explore the human rights aspects of an issue because of their own lack of knowledge about human rights matters’.⁶² This was reinforced by the NCHRE who suggested to the Committee that training

59 Transcript, 3 April 2003, FADT 32.

60 Submission 22, NCHRE, p.32

61 Transcript, 3 April 2003, FADT 34

62 Submission 22, NCHRE, p.32

journalists is a matter of primary importance, although a lack of funding has precluded the NCHRE from taking an active role.⁶³ In light of issues relating to the teaching of human rights in law schools, it could also be argued that human rights should be part of the core curriculum in journalism and media courses taught in tertiary schools of communication.

Recommendation 7

That Committee recommends that funding be provided to the NCHRE to work with professional bodies and tertiary schools of communication to:

- **develop and implement a specific human rights awareness programme for the media; and**
- **incorporate human rights into the core curriculum of journalism and media courses taught at tertiary schools of communication.**

Community based initiatives

- 3.92 The 2002 *National Strategic Conference on Human Rights Education* highlighted the importance of community organisations and community action in delivering human rights education.⁶⁴ The NCHRE's submission indicates that organisations engaged in human rights advocacy and education should be provided with tax exempt status similar to that granted to environmental institutions.⁶⁵
- 3.93 The Committee was not provided with substantial evidence outlining non-formal community based or focused initiatives for human rights and good governance education. This area merits more attention as part of the Decade for Human Rights Education.
- 3.94 HREOC undertakes community education through a range of mechanisms, including the organisation of promotional events such as the annual Human Rights Awards; hosting conferences and events that promote human rights issues, media engagement by the President and Commissioners with press, radio and television outlets; and community consultations and presentations by Commissioners and staff.⁶⁶

63 Transcript, 3 April 2003, FADT 33.

64 Submission 22, NCHRE p.34

65 Submission 22, NCHRE, p.6

66 HREOC, Annual Report 2002-03, pp.20-21

- 3.95 One example of a community initiative was provided by Professor Jan Ryan, who described to the Committee the Human Rights City project.

Human Rights City

- 3.96 Professor Jan Ryan⁶⁷ presented to the Committee her work in establishing regional Perth as a participant in the global human rights city programme, which is recognised by the United Nations. Professor Ryan believes that developing a Human Rights City will provide the opportunity for Australia to reflect on its role as a responsible member of the international community.
- 3.97 ‘A Human Rights City’ is described as one in which all its citizens, from policy makers to individual residents, learn about and adhere to human rights obligations. All organisations, public and private, join to investigate ways to implement human rights at all levels of society, developing methodology to ensure that human rights norms and standards bind all decisions, laws, policies, resource allocations and relationships at all levels of decision-making, and serve as the guiding principles by which the community develops its future plans and institutions.⁶⁸
- 3.98 There are currently seven cities in the world that have joined the Human Rights City programme, four of these are in advanced programmes (Rosario, Argentina; Thies, Senegal; Nagpur, India; and Kati, Mali) and three (in the Philippines, Bangladesh and Austria) are in the early stages of developing sustainable human rights.
- 3.99 The suggested steps in creating Perth as a Human Rights City include:
- Local human rights advocates identify all organisations and institutions concerned with the social and economic issues vital to the community.
 - A Steering Committee is established to oversee and facilitate the programme, in effect developing a “training of trainers” programme with, by, and for their constituencies.
 - A research plan is developed which brings together existing data and provides a demographic profile, including data related to excluded and marginalised groups – the ‘State of Regional Perth’.

67 Convenor, *Human Rights City Programme*. Appearing in a private capacity (Professor Ryan is also on the Human Rights Committee of the United Nations Association of Australia (WA) and the National Committee of Human Rights Education (WA))

68 *Perth: Australasia’s First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children’s Rights Commissioner: Exhibit 11.

- Dialogues, discourse, learning and debate spread throughout the community, with each citizen being requested to play a part in effective human rights advocacy in the community.
 - On-going programmes of Human Rights education.⁶⁹
- 3.100 Professor Ryan indicated that Perth was presently at Stage 1 of the process, and is 'looking at bringing together a whole range of people to whom we would like to talk about what they might see in a human rights city'.⁷⁰ Professor Ryan envisages a steering committee will be adopted during the Stage 1 process. At this stage the WA State human rights education committee is taking the responsibility as the interim steering committee.⁷¹ While funding has been a problem, the WA Office of Multicultural Interests has indicated their support.⁷²
- 3.101 Professor Ryan indicated that there was a number of negative and positive reasons why Perth was chosen for the Human Rights City Project. On the negative side were issues such as WA being the only state with three immigration detention centres and mandatory sentencing of juvenile offenders. More positively, Professor Ryan said that WA had a very active human rights community.⁷³ In addition, the relocation of the National Committee for Human Rights Education to Perth, makes the selection of Perth, and this project, both timely and significant.⁷⁴
- 3.102 The stated aims of the project are to: strengthen, change and develop newly defined relationships in the community to promote and protect human rights; to enable citizen involvement and the education of community members to learn about human rights and incorporate human rights into their daily lives.⁷⁵ Professor Ryan indicated that, ultimately, changing the culture and mindset was a key goal.⁷⁶

69 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner. Exhibit 11.

70 Transcript, 3 April 2003, FADT 14.

71 Transcript, 3 April 2003, FADT 16.

72 Transcript, 3 April 2003, FADT 16.

73 Transcript, 3 April 2003, FADT 15.

74 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner: Exhibit 11.

75 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner: Exhibit 11.

76 Transcript 3 April 2003, FADT 15.

- 3.103 Professor Ryan also argued that the Perth Human Rights City Project would indicate Australian leadership in regard to human rights education in the Asia-Pacific region.⁷⁷
- 3.104 The Committee discussed the project at length with Professor Ryan, and was impressed by the project's breadth and aims. It appears to be a very complex and ambitious project, which at this point is still in its embryonic stages. While the Committee appreciates the broad community basis of the project, we were concerned that without a lead person or agency to take the project forward there is a risk that interest may wane and the project may stagnate.
- 3.105 The Committee was also concerned that such a project will require benchmarking in order to gauge progress, particularly if funding is being sought from the public sector. While Professor Ryan indicated that funding is a problem, the Committee feels that the localised and unstructured nature of the project precludes consideration of the provision of Commonwealth funding at this time.

Conclusion

- 3.106 The observations of the Committee lead to the conclusion that there is a need to provide better coordination of human rights and good governance education efforts in Australia. At present, domestic efforts appear to be a collection of worthwhile, yet fragmented programmes that are not well integrated into the core curriculum in Australian schools and universities. For example, the Committee is aware that HREOC did not have a role or input in the *Discovering Democracy* programme, despite being 'very keen to look at it'.⁷⁸ There is also a noticeable lack of community based initiatives.
- 3.107 The issue of coordination is in many ways associated with Australia's efforts in meeting the goals of the UN Decade for Human Rights Education, which will be discussed in detail in Chapter 5.

Regional programmes

- 3.108 As discussed in Chapter 1, good governance and human rights are important regional issues for Australia and are central to Australia's regional foreign and aid policy.

77 Transcript 3 April 2003, FADT 15.

78 Transcript, 16 May 2003, FADT 98.

- 3.109 The Asia Pacific is a culturally, socially, and politically diverse region. As such, the range of approaches to good governance and human rights education is also diverse. While submissions raised the issue of cultural diversity and the inappropriateness of a 'one-size-fits-all' approach, there were few practical suggestions advanced beyond promoting community participation and being aware of the cultural context of human rights and good governance education initiatives.
- 3.110 This diversity does not mean that ideas developed in one culture have no place in another and that efforts should not be made to arrive at mutually agreeable definitions and frameworks for human rights and good governance education. In reality, a best practice approach may be broadly applicable in other fields of human endeavour.

The Australian aid programme

- 3.111 Governance is central to the Australian aid programme's goal of poverty reduction and accounts for about 22% of overall aid expenditure. In 2002-03 direct governance expenditure was \$336.6 million, with an additional \$196.3 million indirectly improving governance in partner countries.⁷⁹ The recent AusAID report *Papua New Guinea and the Pacific-A development perspective*, reinforced the importance of governance in the region stating that 'the quality of governance has a decisive influence on development, particularly in small, open states with limited economies of scale and opportunities for diversification'.⁸⁰
- 3.112 Australia's efforts to promote achievable good governance and human rights education outcomes are pursued through a number of mechanisms, including bilateral human rights dialogues, the United Nations and its specialised agencies, other international organisations and through the aid programme.
- 3.113 AusAID submits that 'good governance for the aid programme covers the improvement of economic, political and administrative mechanisms through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences'.⁸¹
- 3.114 AusAID's governance programme aims at improving governance through focusing on four key areas: improving economic and financial

79 AusAID, *Annual Report 2002-2003*, October 2003, p.18.

80 AusAID, *Papua New Guinea and the Pacific – A development perspective*, September 2003, p.5.

81 Submission 9, AusAID and DFAT, p.6.

management; strengthening law and justice; increasing public sector effectiveness, and; developing civil society and human rights.⁸²

3.115 A breakdown of expenditure within AusAID's governance programme for 2001-02 is provided in the table below.

Table 1 Australian Aid Activities that Directly Support Human Rights and Good Governance in the Asia Pacific Region, 2001-02*

	Expenses 2001-02 (\$'000)**	% of total
Civil Society and Human Rights	106,208	45
Public Sector Reform	89,170	37
Legal and Judicial Development	23,370	10
Other Governance	18,400	8
Total Human Rights and Governance	237,148	100

* In accordance with the TORs for this Inquiry, this table does not include activities listed under the Governance subcategory of Economic Management.

** Finalised figures for 2001 / 2002.

Source AusAID, submission 41

3.116 As stated by AusAID, the aid programme promotes human rights primarily through support for effective governance. However, the aid programme includes a dedicated global human rights programme, encompassing:

- The Human Rights Fund (\$1.3 million in 2002-03)
 - ⇒ Asia Pacific Forum of National Human Rights Institutions
 - ⇒ UN High Commissioner for Human Rights
 - ⇒ Human Rights Small Grants Scheme
- The Centre for Democratic Institutions (\$6 million over six years)⁸³

3.117 AusAID reported that, in recognition of the important work of the Asia Pacific Forum, funding in 2001-02 was doubled to \$500,000 (drawn from the Human Rights Fund).⁸⁴

3.118 Australia also makes significant contributions to regional and international organisations and agencies that undertake assistance in the

82 *Australia's Overseas Aid Program 2002-03*, Statement by the Hon. Alexander Downer, Minister for Foreign Affairs, AusAID, 2002.

83 Submission 9, AusAID and DFAT, p.9.

84 Submission 9, AusAID and DFAT, p.9.

areas of governance and human rights. Australia's contributions to multilateral organisations in 2002-2003 included:⁸⁵

- \$69.2 million in contributions to UN development and humanitarian agencies;
- \$12.2 million to organisations from other Commonwealth countries;
- cash contribution of \$135.1 million to the International Development Association (IDA) of the World Bank and \$540 000 to the Heavily Indebted Poor Countries Initiative; and
- Cash contribution of \$91.4 million to the Asian Development Fund, the concessional loan facility of the Asian Development Bank.

3.119 The programmes undertaken by these organisations are described in more detail in Chapter 4.

3.120 As indicated above, in most cases the issue of human rights is incorporated into the overall governance programme. Most aid programmes, including governance, either directly or indirectly impact on human rights. AusAID argued that the aid programme's support for good governance in developing countries strengthens the capacity, and climate, for the realisation of all rights,⁸⁶ explaining that:

...if you look at direct support for human rights training—human rights instruments, the support we give to the Asia-Pacific Forum, the support we give to the Human Rights Small Grants Scheme, as well as elements of some of our bilateral activities—it is a smaller subset of a much broader program of assistance that we give to good governance, which is education which actually tries to address in an indirect way, and create the environment for, the improvement and advancement of human rights, whether it be in law and justice, economic and financial management or the development of civil society.⁸⁷

3.121 The Committee notes that the submissions to the inquiry highlight an enormous range of activities in the region being undertaken by Commonwealth and State government agencies (such as the House of Representatives⁸⁸, HREOC⁸⁹ and NSW Attorney General⁹⁰), statutory

85 AusAID, *Annual Report 2002-2003*, October 2002, pp.68-70.

86 Submission 9, AusAID and DFAT, p.7.

87 Transcript 12 May, FADT 51.

88 Submission 7, The Speaker of the House of Representatives

89 Submission 21, HREOC

90 Submission 4, NSW Attorney General

bodies, and private sector and not for profit organisations. AusAID is the primary agency through which Australia delivers the aid programme. Most, if not all, of the programmes described in the submissions are funded by AusAID and delivered through the AusAID framework, with organisations providing the necessary expertise. As such, a detailed description of all the projects is beyond the scope of this report.

- 3.122 The following examples (paragraph 3.122 to 3.137) provided by AusAID⁹¹ give an idea of the breadth of activities being undertaken in respect to human rights and good governance education in the Asia Pacific. A full list of governance and human rights projects for 2001-02 (excluding those in the economic and finance sector) is reproduced at Appendix F.

Legal Reform and Civil Society

- 3.123 *Papua New Guinea:* Australian assistance is helping improve the operation of the constabulary's internal discipline system. Support includes training on ethical conduct and behaviour, counselling, cautioning, informal punishment, suspensions from duty and disciplinary offences. Human rights and accountability training has been introduced to courses provided through the Police Training College.
- 3.124 *China:* The Human Rights Technical Cooperation Programme (HRTC) is an integral part of the Government's human rights policy towards China. The programme supports the protection, promotion and administration of human rights in China in areas such as women's and children's rights, legal reform, and ethnic and minority rights. Activities include training for government officials on reporting requirements under the International Covenant on Economic, Social and Cultural Rights, a Rules of Evidence workshop for Supreme People's Court judges, a train-the-trainers programme for prison officers, workshops on the criminal prosecution process, police ethics training, and awareness raising of women's rights issues such as domestic violence and trafficking of women. Australia also engages Chinese authorities in a continuing bilateral dialogue on human rights, as discussed in more detail later in this chapter (page 66).
- 3.125 *East Timor:* Australia is supporting legal sector activities that include education about human rights and good governance. These include support to the Commission for Reception, Truth and Reconciliation; assistance to promote the development of a fair justice system; and community training about legal and human rights and responsibilities.

91 Submission 9, AusAID & DFAT, pp.10-14.

- 3.126 *Indonesia*: Several projects in Indonesia focusing on the legal system have an important educational component. The Legal Reform Programme Facility is promoting the development of functional, transparent, accountable and competent legal institutions. Activities include funding the placement of a human rights adviser in Indonesia's Directorate-General Human Rights (DGHR), and support for the production of Citizen's Rights publications by an Indonesian legal NGO. Australia has provided Supreme Court judges with training on human rights, class actions, and the protection of witnesses. Australia has also funded international human rights law training for judges from Indonesia's Ad Hoc Human Rights Tribunals.
- 3.127 Australian support for Indonesia's National Human Rights Commission (Komnas HAM) has helped it to develop modern management practices and protect and promote human rights. Activities have included training in investigation techniques; development of complaints procedures; training in the conduct of national inquiries; training for investigations into gross violations of human rights; and the placement of a public affairs / education adviser in Komnas HAM. Another project has provided training on human rights via workshops for Ministry of Justice and Human Rights officials, judges, civil society advocates, local government officials, community leaders, TNI officers, university lecturers, and police officers.
- 3.128 *Bougainville*: the Strengthening Communities for Peace Project, completed in March 2002, contributed to the restoration of peace between individuals, families, clans and communities by promoting non-violence and women's rights, including through legal advice for victims of violence, and a regular radio programme disseminating information about women's rights.
- 3.129 *Burma*: Since mid-2000, Australia's Human Rights Training Initiative has sponsored a series of human rights workshops for mid-level government officials and community representatives. Australia has also provided support for Judicial Administration and Reform training for Burmese judges.
- 3.130 *Electoral Assistance*: Free and fair elections are a fundamental aspect of democratic government. Through the Electoral Assistance to the Pacific project and the PNG Electoral Commission Project, Australia is building regional countries' electoral capacities. In 2002, senior electoral officers from 19 Pacific island countries attended a workshop organised by the Australian Electoral Commission and established an information exchange network. Australia has also supported the development of an Electronic

Voter Registration System in the Federated States of Micronesia; and assisted with Fiji's and the Solomon Island's 2001 democratic elections - including voter registration, training of election officials, and voter awareness campaigns. Similar assistance was provided to PNG.

Women

- 3.131 The human rights of women are integral to Australia's development approach. Activities that educate women about their rights are prioritised in the aid programme, particularly in respect to violence and post-conflict situations. Gender considerations are also mainstreamed into all projects. Examples of activities that educate women about their human rights include:
- training of female legal counsellors in Pakistan;
 - human rights training for officers of women's police cells in New Delhi, India; and
 - support through the Pacific Commission to promote Pacific Islands' ratification of, and reporting on, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- 3.132 Violence remains a common violation of women's rights. Australian support to the Fiji Women's Crisis Centre (FWCC), which began in 1990, is an important example of support for this aspect of women's rights. As the Secretariat of the Pacific Women's Network Against Violence Against Women, the FWCC combats domestic violence in the region by coordinating the services and advocacy of 24 agencies across 11 Pacific Island states. Australia also assists the Vanuatu Women's Centre's counselling, education and legal advisory services, which women on outlying islands have access to through the Centre's 14 mobile clinics.

HIV/Aids

- 3.133 The Asia Pacific region is facing a serious HIV / AIDS epidemic, with approximately 7.5 million people currently infected, and more than 1 million new infections recorded in 2001 alone. The Government recognises that education about the need to respect the human rights of people living with HIV / AIDS is an important element of any comprehensive response to the epidemic.
- 3.134 Regionally, Australia has played a lead role in the response to HIV / AIDS and particularly in the establishment of the Asia-Pacific Leadership Forum (APLF). The APLF will educate leaders on the impact of HIV / AIDS and the characteristics of effective responses, including respect for human

rights. A number of other donors, including the UK, Japan, and New Zealand have added their financial support to the UNAIDS-managed APLF Secretariat, with the EU expected to provide support shortly.

- 3.135 Australian-funded activities that assist countries in responding to the HIV / AIDS epidemic address human rights in a number of ways. Several projects (for example, in China and Southeast Asia) focus on marginalised groups that are often discriminated against, such as intravenous drug users and sex workers. Others assist the development and implementation of strategies to respond to the epidemic - including the need to recognise and respect human rights. Australia assisted the PNG Government, for example, to develop HIV / AIDS Management and Prevention legislation, which protects the rights of people affected by HIV / AIDS.
- 3.136 A Guide to HIV / AIDS and Development has been developed by AusAID to assist project designers, managers and implementers on HIV / AIDS projects. It promotes human rights in all Australian-funded HIV / AIDS projects.

Media

- 3.137 A free and active media can promote better governance and educate citizens about good governance and human rights. Since 1996, Australian support for the Pacific Media Initiative project has helped to strengthen the Pacific's media. *Time to Talk*, a regional Pacific project focuses directly on good governance and human rights education. A thirteen part radio series about politics, society and governance in the Pacific; Time to Talk features prominent politicians, church leaders, leading women, and grassroots workers.

People Trafficking

- 3.138 The trafficking of women and children for sexual or labour exploitation is a serious problem confronting many developing countries, particularly those in the Mekong subregion - Cambodia, southwest China, Lao PDR, Myanmar, Thailand and Vietnam. Again, human rights and good governance education is an important part of any strategy to address this issue. To this end, Australia is supporting four current activities and one at the design stage aimed at countering people trafficking through both preventative and policing measures. Preventative measures include raising awareness about trafficking among people vulnerable to trafficking, activists, tourism industry employees, legislators and policymakers. Supporting policing measures through building the capacity of officials and organisations involved in apprehending and charging traffickers also relies on education activities.

Government level initiatives

- 3.139 Apart from the bilateral aid projects described above, the Government engages in the promotion of good governance through a range of other mechanisms.

Human Rights and Equal Opportunities Commission

- 3.140 Although the Human Rights and Equal Opportunities Commission's mandate is primarily domestic, it undertakes a limited range of regional and international initiatives to promote human rights and good governance. Most of the activities take the form of technical cooperation aimed at the transfer of knowledge and expertise, usually as part of the Australian aid programme. HREOC has undertaken work in China (with the Australia-China Human Rights Technical Cooperation Programme, and as a participant in the human rights dialogues), Indonesia (with the Indonesian National Human Rights Commission) and South Africa. Smaller scale projects have been undertaken in Uganda and Fiji.⁹²

Pacific Island Forum

- 3.141 In the Pacific, the Australian government is working cooperatively with the governments of NZ and the US, and the Pacific Forum Secretariat (FORSEC) in assisting Forum Island Countries to develop legislation to implement the Nasonini Declaration on regional security. This declaration uses good governance practices at all levels as a key strategy for addressing some of the issues underlying the tension and conflict in the region.⁹³

Bilateral Human Rights Dialogues

- 3.142 The Government's preferred approach to pursuing human rights policy is through 'constructive, cooperative dialogue, linked to practical technical assistance'. It is argued that this approach is more effective than 'megaphone diplomacy' in bringing about real change.⁹⁴
- 3.143 Formal bilateral human rights dialogues have been occurring between Australia and China since 1997. The most recent dialogue with China was in July 2003⁹⁵. Similar dialogues with Vietnam and Iran are in their initial

92 Submission 21, HREOC, p.15-19

93 Submission 9, AusAID & DFAT, p.3.

94 Submission 9, AusAID & DFAT, p.3.

95 Submission 44, Attorney-General's Department, p.5.

stages only. The government also engages in informal dialogues, such as in Australia's human rights initiative in Burma.

- 3.144 A key question for the Committee was whether human rights education should be an integral element of the human rights dialogues. HREOC feels that in an academic sense there may be some advantage in making human rights education an agenda item in such dialogues, in that it could further sensitise the dialogue partners to the need to embed human rights principles in a systematic way. On the other hand, in a more practical sense, given that countries are nearly as sensitive about their educational curricula as they are about human rights, it could add a complication without leading to practical impact beyond what is already being achieved. HREOC suggested that the lack of a formal agenda item does not prevent discussion of the issues, should either party be inclined.⁹⁶
- 3.145 HREOC feels that in the case of China it seems clear that the technical cooperation programme has no difficulty dealing with human rights education. The programme has had a positive impact on human rights education in China even though there is no formal dialogue agenda item dealing with human rights education. Should the dialogues with Vietnam and Iran proceed on a similar path HREOC expects that technical cooperation could deal with human rights education even in the absence of a dialogue agenda item at the political level⁹⁷. NCHRE also highlighted China as an example where human rights education has been successful in promoting human rights.⁹⁸
- 3.146 The NCHRE maintains specifically that human rights education should be included as a specific agenda item for bilateral human rights dialogues. Further, NCHRE recommends that in measuring progress of human rights dialogues, consideration be given to the extent to which human rights education has been advanced within the territory of the dialogue partner.⁹⁹
- 3.147 Castan Centre argues that human rights education is an important component of bilateral human rights dialogues for both parties concerned. Ensuring that both sides have knowledge of international human rights obligations helps bring human rights concerns closer to the centre of bilateral dialogue.¹⁰⁰

96 Submission 37, HREOC, p.4.

97 Submission 37, HREOC, p.4.

98 Submission 22, NCHRE, p.12.

99 Submission 22, NCHRE, pp.16-17.

100 Submission 40, Castan Centre, p.5.

- 3.148 The Committee is very interested in the bilateral human rights dialogue process, with a number of members having participated in previous dialogues. By including human rights and good governance education as integral elements of the dialogues, it may be able to measure the extent that the understanding of, and adherence to, human rights have extended within the territory of the dialogue partner.

Centre for Democratic Institutions

- 3.149 The Centre for Democratic Institutions (CDI) was established as an Australian Government initiative and receives its core funding through AusAID. Its geographic focus is the Asia-Pacific region. CDI focuses on the parliamentary process and the judicial process, and works with Australian institutions to provide support through information exchange, training, placements and networking. CDI's core work is governance training through short, intensive courses for high level officials from developing countries.
- 3.150 In 2002-03, AusAID provided 1086 days of training to 239 participants from the Asia Pacific on parliamentary and judicial processes and democratic governance through CDI.¹⁰¹
- 3.151 Of particular note is CDI's Workshop on Teaching Human Rights, which took place in Bangkok in August 2000. CDI submit that the workshop may provide a model for further 'train-the-trainers' approaches to teaching human rights in the region.¹⁰²
- 3.152 The Committee has met with a number of CDI sponsored delegations to discuss the work of the Committee and of the Australian parliament.

Asia Pacific Forum of Human Rights Institutions

- 3.153 Australia is a member of the Asia Pacific Forum of Human Rights Institutions (through HREOC). This is discussed in more detail in Chapter 4.

Non government organisations

Diplomacy Training Programme

- 3.154 The Diplomacy Training Programme (DTP) is an independent, non-government organisation providing human rights education, which seeks
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101 AusAID *Annual Report 2002-03*, Canberra, 2003, p20.

102 Submission 3, Centre for Democratic Institutions, p.39

to advance human rights and empower civil society in the Asia Pacific region through quality education and training, and the building of skills and capacities in non-government organisations. It is solely an educational institution, has no sectarian or political affiliations, and is not an advocacy organisation.

- 3.155 The DTP was founded in 1989 by Professor Jose Ramos-Horta, 1996 Nobel Peace Laureate and representative of East Timor at the UN for more than fifteen years. The DTP is affiliated with the University of NSW, through the Faculty of Law, which provides academic support and direction

The DTP is not an advocacy organisation, does not promote specific issues or take a stand on specific issues, but rather it provides skills and information to people in the Asia Pacific for them to work within their own countries to promote human rights and good governance. The Program covers the relevant international human rights law, UN mechanisms and how to access the UN, as well as the skills of strategic advocacy, and using the media and the internet for human rights research and advocacy. Knowledge of the international human rights system is taught as a means to ensure its operation locally in the various countries represented in the trainings.¹⁰³

Castan Centre for Human Rights Law

- 3.156 The Castan Centre for Human Rights Law was established in 2000 under a grant from the Monash Law School Foundation to meet the need for, and interest in, the study of human rights law, globally, regionally and in Australia. Of particular relevance to this inquiry is the Centre's previous and ongoing consultancy work in human rights education in the Asia Pacific region, as well as upcoming projects with direct relevance to human rights and good governance education in the region.
- 3.157 Examples of Castan Centre human rights education projects include¹⁰⁴:
- a human rights and international law training program in Burma;
 - "Human Rights in Australia" short courses for Indonesian officials; and
 - international human rights workshops for officials from Australia's Department of Foreign Affairs and Trade.

103 Submission 13, Diplomacy Training Program, p.2

104 Submission 12, Castan Centre, Appendix 1

Issues

- 3.158 A range of issues pertinent to regional efforts was raised in the evidence received by the Committee, indicating the complexity of the subject of human rights and good governance education. While there was a certain level of consistency in the issues, they often reflected particular interests of the respective organisation. The primary concern of this section is to highlight obstacles or issues of concern to good governance and human rights education in the region, particularly as they relate to Australia's bilateral and multilateral aid efforts.

Delivery of projects and project design

- 3.159 The design and delivery of human rights and good governance education programmes attracted considerable attention in the evidence received by the Committee.
- 3.160 Given their broad experience in promoting democracy and delivering governance and human rights programmes, CDI made a number of recommendations aimed at linking the promotion of democracy and human rights and that Australian projects should aim to strengthen the capacity of institutions and individuals in regional countries to deliver human rights training.¹⁰⁵
- 3.161 The NSW Attorney General provided details of the Vanuatu Legal Sector Strengthening Programme that the NSW Attorney Generals Department is managing on behalf of AusAID. The programme promotes good governance in the public legal sector. The obstacles identified in delivering this project in many ways may be seen as indicative for governance programmes in the region, including:
- Difficult geography
 - Shortage of senior local lawyers who can act as leaders in the public sector and the profession
 - Lack of professional regulation
 - Economic factors which lead to Government vacancies remaining unfilled such as low salaries, lack of legal resources, shortage of equipment and resources for the public legal sector
 - The interaction between customary and western law¹⁰⁶

105 Submission 3, Centre for Democratic Institutions, p.8.

106 Submission 4, NSW Attorney General, pp.5-6.

- 3.162 A number of specific issues related to the way projects are designed and delivered were raised during the course of the inquiry, including the focus of projects, the need for tangible outcomes, design, the assessment of projects, country strategies and institutional strengthening.

Human rights and good governance education to all levels of society

- 3.163 A recurrent theme in submissions was that current programmes are too focused on government and the public sector, and that there is a need to provide human rights and good governance education to all levels of society, from government officials to civil society groups and communities.¹⁰⁷ In practical terms, the Castan Centre claims that in developing countries in the Asia Pacific region, the provision of human rights education to key decision makers within governments and local NGOs is a vital precondition if the realisation of human rights is to become a reality.¹⁰⁸
- 3.164 While recognising that the training of government officials is important in building the capacity of a government to realise the rights of a country's citizens, UNICEF argues that:
- ...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*.¹⁰⁹
- 3.165 UNICEF suggested that the human rights and good governance education programmes should be extended to communities, and to assist communities in the realisation of their rights.¹¹⁰
- 3.166 Australian Volunteers International maintained that the concepts of good governance and democratisation are not synonymous. Good governance is essentially about building a government's responsiveness to the needs of the people, and there are persuasive arguments that suggest that true accountability in government can only be built from the local level upwards. AVI contends that it is therefore vital that education be provided at all levels of community, and that local initiatives be supported.¹¹¹

107 Submission 16, UNICEF Australia, pp.4-5; Submission 25, Australian Volunteers International, p.2; and Transcript, 16 May 2003, FADT 127 and 137.

108 Submission 12: Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, p.9.

109 Submission 16, UNICEF Australia, p.7.

110 Submission 16, UNICEF Australia, p.7.

111 Submission 25, Australian Volunteers International, p.3.

Tangible outcomes

- 3.167 UNICEF maintained that human rights and good governance education has to be linked to tangible outcomes otherwise there is a risk that human rights and good governance principles will be seen as “ineffective rhetoric”. For example, if families and communities are being educated about the child’s right to a name and nationality, a programme facilitating birth registration would provide a tangible connection. Similarly, ALHR argued that education needed to be given a ‘very practical focus’.¹¹²
- 3.168 A number of submissions also underlined the need for Australia to adopt a human rights based approach to development.¹¹³ In this regard, UNICEF asserted that Australia’s approach to human rights and good governance education has been ‘ad-hoc’ citing the example of AusAID adopting a rights-based approach to providing human rights training in Burma but not replicating that approach across the region. As such, UNICEF maintains that the Australian Government should develop a clear policy in terms of its objectives and desired outcomes in relation to human rights and good governance education.¹¹⁴
- 3.169 In terms of Australia’s approach to human rights and good governance education being ad hoc, it may be argued that the approach adopted for Burma may not be the appropriate approach in other countries. The Committee agrees with the suggestion that human rights and good governance education programmes need to be linked to tangible outcomes, and recognises that many governance projects have what may be identified as human rights outcomes. However, the Committee would like to see clear evidence of explicitly linking human rights and good governance education initiatives to tangible outcomes.
- 3.170 This raises the question for the Committee of how human rights and good governance education programmes are assessed, given their complexity, noting that they do not necessarily fit into any easily quantifiable model. In terms of assessing good governance and human rights activities in the region, ACFOA believes activities should be tested against the following criteria with regard to the extent to which activities:
- foster political systems which provide opportunities for all people to influence government policy and practice;
 - ensure equitable and universal provision of basic services (including education);
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112 Transcript 16 May 2003, FADT 137.

113 Submission 16, UNICEF Australia, p.8; Submission 23, ACFOA, p.12.

114 Submission 16, UNICEF Australia, p.8.

- ensure personal safety and security with access to justice for all;
- provide a stable environment that encourages investment and pro-poor economic growth; and
- develop transparent and accountable government that combats corruption.¹¹⁵

3.171 The Committee accepts the thrust of ACFOA's suggestion, but also recognises that the lack of an accepted definition of good governance makes assessing such programmes difficult. In its review of AusAID's 2001-02 Annual Report, the Committee recognised that assessing aid quality is complex and that forces and events beyond AusAID's control may impact on the effectiveness of the aid programme. Nevertheless, the Committee was satisfied that AusAID programmes actively promote effective governance and have efficient self-evaluation practices and mechanisms that support ongoing improvement.

Project design

3.172 It was clear from the evidence that human rights and good governance education programmes are inherently different from other development assistance in that the outcomes cannot easily be prescribed. Human rights and good governance education is an 'inherently delicate, long term process and not conducive to predicting immediate outcomes'.¹¹⁶

3.173 As such, the Castan Centre argued that 'limited blueprint' or one-size-fits-all projects are not suited to human rights and good governance education. Rather than being restricted to stand-alone programmes, human rights and good governance education should be incorporated through all aspects of development assistance. As indicated above, human rights and good governance education should be across all sections of society, which requires a move away from 'blueprint' models to a 'phased' approach which seeks to develop rather than pre-empt objectives, outcomes and indicators and places the poor and marginalised at the centre of human rights and good governance education programmes. This approach, it is argued, addresses the supply of governance programmes with the demand for such programmes from within recipient communities, civic groups and governments.¹¹⁷

3.174 In terms of project design, it may not be possible to merely integrate human rights and good governance education into current projects and

115 Submission 23, ACFOA, p.10

116 Submission 12, Castan Centre, p.1.

117 Submission 12, Castan Centre, p.8; Submission 34, ACFOA, p.5.

programmes. For example, ALHR advised that incorporating human rights and good governance education in basic education projects may require a comprehensive discussion about human rights education project and / or curriculum design, raising education design questions of target audience, intended outcomes and available resources.¹¹⁸

- 3.175 The Diplomacy Training Programme states that the concept of ‘governance’ continues to lack clear or universal definition or standards, which makes the effectiveness of programmes hard to measure. In addition, while it is clear that good governance and human rights are intimately linked, the Diplomacy Training Programme voices the concern that the relationship between governance and human rights is rarely explicit in the strategies and objectives of governance programmes or projects. Instead of forming an integral component, human rights is very often seen as a small add-on within governance and aid programmes. The DTP suggests governance programmes be re-designed so that the human rights objectives are negotiated with partners and made explicit and time-bound so that strategies can be more effectively evaluated.¹¹⁹ This is an important observation in light of AusAID’s view that the aid programme promotes human rights primarily through support for effective governance.
- 3.176 In contrast, the APF feels there is not an urgent need to redirect or redesign governance programmes but rather an increase in the overall capacity of the organisations to be able to respond more effectively and in a sustained way is needed.¹²⁰
- 3.177 Some submissions contend that the ‘education’ aspect of the Government’s governance and human rights assistance is not given enough priority. ACFOA believes that ‘whilst much is written in policy terms about “human rights” in the Australian Government’s good governance agenda there is little practical support that translates into implementation of human rights principles’.¹²¹ The CDI suggests that one means of strengthening capacity building programmes for good governance, many of which already incorporate human rights training, would be to set an informal quota with 30% of activities undertaken through the Human Rights Fund to be directed at human rights education.¹²²

118 Submission 36, Australian Lawyers for Human Rights, p.2.

119 Submission 35, Diplomacy Training Program, p.3.

120 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.6.

121 Submission 23, ACFOA, p.12.

122 Submission 38, Centre for Democratic Institutions, p.1.

Country Strategies

- 3.178 AausAID prepares country strategies for all major country programmes. They are based on partnerships with developing countries and indicate how Australia's aid programme can best reduce poverty and contribute to sustainable development in that country.
- 3.179 The Diplomacy Training Programme argues that, while discrete programmes are valuable, given the importance of human rights education to all sections of a society, human rights education programmes should be integrated into AusAID's country strategy processes and programmes. DTP argues that the process of developing bilateral development strategies and the development and implementation of development projects offer a lot of opportunities to build human rights awareness.¹²³

Institutional strengthening and capacity building

- 3.180 A key consideration highlighted in the evidence is that human rights and good governance education is not just about delivering programmes. Given the arguments relating to the need for local ownership and community participation, it is central to the success of any programme that organisations have the capacity, in terms of infrastructure, to apply what they have learnt.
- 3.181 ALHR asserted that institutional strengthening, both government and civil society, is a precursor to the realisation of human rights. ALHR observed that, in the case of Indonesia, many international donor governments were rushing to give aid and to give organisations human rights projects to implement, with no thought of the institutional capacity of these organisations to carry out the programmes. This is cited as a major obstacle to any successful outcomes. In ALHR's experience:
- ...these organisations were in buildings where the roof leaked and they were in danger of electrocuting themselves on the electrical equipment. They had computers that could not be networked and which would break down...so they would go to human rights training where very eminent professors and professionals in human rights education would teach them about international conventions and they would go back to their leaking offices and be entirely incapable of implementing that work.¹²⁴

123 Transcript, 16 May 2003, FADT 117.

124 Transcript, 16 May 2003, FADT 135.

- 3.182 Another aspect of institutional strengthening is the provision of adequate training to government and non-government staff in both human rights and good governance education. In practical terms, the Castan Centre claims that in developing countries in the Asia Pacific region, the provision of human rights education to key decision makers within governments and local NGOs is a vital precondition if the realisation of human rights is to become a reality.¹²⁵
- 3.183 HREOC outlined its extensive training programme, which focuses on practical issues such as domestic violence, police conduct, prison management and investigation techniques, with efforts made to ensure that the activities are firmly grounded in human rights principles as established under international law. HREOC argues that this human rights aspect is what distinguishes their training programmes from training provided by agencies that focus on economic management or other dimensions of similar subject matter.¹²⁶
- 3.184 The Committee believes that training should aim at enabling local people to conduct further training themselves in order to pass on knowledge and experience. They should not be trained only in human rights and good governance, but how to effectively design and implement human rights and good governance education programmes themselves.
- 3.185 While much of AusAID's assistance is directed towards institutional strengthening, in certain sectors such as law and order, there appeared to be need for further work in this area, particularly at the fundamental level of providing basic infrastructure. Human rights and good governance awareness cannot be exercised without access to basic things such as equipment, accommodation and other materials (such as stationary). It is no good providing human rights and good governance education without also providing the means to exercise what has been learnt.

125 Submission 12, Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, p.9.

126 Submission 21, HREOC, p.16.

Recommendation 8

That AusAID, in its provision of aid both directly and through contractors, provides an increased focus on institutional strengthening and capacity building of regional human rights education organisations, particularly in regard to basic infrastructure.

Recommendation 9

That AusAID quantify the current level of human rights and good governance education training for government officials and NGO representatives, and increase efforts to provide training in this area.

Basic Education

- 3.186 The importance of providing adequate basic education was identified in a number of submissions as being a key issue in the delivery of human rights and good governance education. The critical role of basic education in the development process is widely accepted.
- 3.187 AusAID recognises the importance of basic education in reducing poverty and achieving sustainable development. In 2002-03, the Australian aid programme provided \$246.8 million direct funding for education activities, with another \$67.8 million being spent in other sectors that benefited the education sector. Improved education accounted for 16% of the direct expenditure for education.¹²⁷
- 3.188 However, ACFOA suggested that not enough was being done in respect of basic education, particularly in regard to the relationship between human rights and good governance education.
- 3.189 ACFOA argued that effective and sustainable progress in good governance and human rights can only be built on investment in basic education. There is an underlying assumption that progress in human rights and good governance education is only possible with an educated and informed public, and so basic education is an essential element.¹²⁸

One of the best ways to enable poor and marginalised communities to have a voice in government and to stand up for their rights is to invest in basic education. It provides the basis for

¹²⁷ AusAID, Annual Report 2002-03, p.21.

¹²⁸ Submission 23, ACFOA, p.10.

informed consent and informed choices built in three particular ways: firstly, to understand how government works and how ordinary people can have a voice; secondly, the ability to seek and gain information and assess it for its relevance and importance; and, thirdly, the confidence to be able to engage in the system.¹²⁹

- 3.190 ACFOA provided an example to support their argument. They described a project in Bangladesh that focused on providing basic literacy and writing skills, and training in governance issues such as decision making, problem solving, accountability and transparency, to illiterate impoverished women. Eventually, they formed a committee, and the women were able to articulate a range of grievances to the Government leading to significant improvements such as the installation of water, electricity and sewerage and the establishment of a school. One woman is reportedly considering running for election at district government level.¹³⁰
- 3.191 ACFOA argued that a well developed and informed civil society is central to good governance and respect for human rights. ACFOA highlighted that while Australia provides considerable assistance to good governance programmes in areas such as institutional strengthening for law and order, public sector reform and economic capacity building, less assistance is directed towards the role of civil society in human rights and good governance education and, importantly, basic education. In this respect, ACFOA acknowledges the benefit of focusing on bilateral relations with recipient governments, but suggests that the Australian government prioritises within its good governance agenda increased access to culturally and socially relevant basic education as a means towards enabling greater involvement of civil society in the decision making process.¹³¹
- 3.192 AVI also argue that it is crucial that basic educational needs are met, which requires a deep understanding of the cultural assumptions and imperatives that operate in the region.¹³²

English language and information technology (IT) training

- 3.193 Associated issues to basic education include the provision of English language and information technology training. Australian Lawyers for Human Rights argued that 'English language and computer systems have

129 Transcript, 12 May 2003, FADT 79.

130 Transcript, 12 May 2003, FADT 84.

131 Submission 23, ACFOA, pp. 11-12.

132 Submission 25, Australian Volunteers International, p.3.

been the two most revolutionary things to happen in the last decade in relation to human rights',¹³³

- 3.194 The Committee noted the value of English language skills, but considered that local languages, rather than English, are more appropriate and effective for the delivery of human rights and good governance education. ALHR agreed with this viewpoint but added that in their experience the ability to understand English improves access to a range of human rights and good governance tools. They noted that most assistance programmes are delivered in English, that most internet sites and information on human rights is in English, and most human rights NGOs dealt in English. Similarly, most key aid donors use English and that it was more practical for communities to learn one language—English—than for donor bodies to learn myriad local languages. ALHR asserted that in practical terms, 'those who speak better English get more money'.¹³⁴
- 3.195 In fact, what is apparent is that NGOs are rarely able to provide programmes in local languages, notwithstanding the cultural importance and value of engagement in local languages.
- 3.196 The use of IT was also raised in relation to human rights and good governance education. ALHR submitted that, in addition to English language training, if local people are 'able to access the internet and send an email they also have a much higher chance of being part of a human rights enforcement process'.¹³⁵
- 3.197 The Committee is aware of, and supports, the government's Virtual Colombo Plan, which was launched in 2001. The Virtual Colombo Plan is a joint initiative between Australia and the World Bank to improve the access of developing countries to knowledge and information through new information technologies. Australia has committed \$200 million to the project. Additionally, AusAID submitted that in 2002 over 300 students annually were studying in Australia under the Australian Development Scholarship Scheme in disciplines relating to information and communication technologies and that these students and their knowledge will be useful human resources when they return to their home countries.¹³⁶
- 3.198 HREOC suggested that their website has had an international impact, citing the example of being informed by the Iranian Islamic Human Rights

133 Transcript, 16 May 2003, FADT 136.

134 Transcript, 16 May 2003, FADT 143.

135 Transcript, 16 May 2003, FADT 136.

136 Submission 41, AusAID, pp.1-2.

Commission that they examined HREOC's website daily and any new information was circulated to members of their commission.¹³⁷

- 3.199 However, IT should not be seen as a panacea for delivering human rights and good governance education in the region. Access to IT technology is limited, which therefore limits the usefulness of IT in promoting human rights and good governance. Given the huge amount of information that is available on the internet, lack of access to the internet in the region is a problem. Another problem is in developed countries assuming that IT-related technology is understood in a consistent way across the region. ACFOA pointed out this danger:

We do not want to say, 'We're used to the technology. We can see how it works.' When you are talking about a rural community in Bangladesh or Gizo in the Solomon Islands, to what extent are they familiar with all this? What does it mean to them?¹³⁸

- 3.200 The ability to communicate in English is clearly an important factor in negotiating human rights and good governance issues and accessing assistance. The Committee accepts this argument but also believes that local languages cannot be ignored or discounted. The ability to use local languages promotes local ownership of programmes and processes, which is an important part of the overall development process. In an ideal world, a balance between English and local languages would be struck.
- 3.201 Similarly, the Committee believes that IT and the internet have a role to play in delivering human rights and good governance information and education. The internet in particular offers opportunities for the free exchange of information that may not be possible in other media. However, the Committee is cognisant that accessibility is limited, as is training, and that IT cannot be seen as a panacea. It is better viewed as a useful tool alongside other delivery mechanisms. That being said, the Committee sees scope for Australia to work towards improving IT access and training.
- 3.202 The Committee recognises the importance of basic education in any long term approach to human rights and good governance education. It is the next generation that, hopefully, will grow up to question bad governance and have an understanding of their human rights. This can only happen through basic education. While the Committee is cognisant that a country's education curriculum is a delicate matter, it should be possible

137 Transcript, 16 May 2003, FADT 88

138 Transcript, 12 May 2003, FADT 85

to infuse education assistance with human rights and good governance principles in a culturally sensitive way.

Recommendation 10

That AusAID ensures that access to culturally and socially relevant basic education is integrated and prioritised throughout its governance programme.

Corruption

3.203 Corruption seriously undermines governance, development and human rights.¹³⁹ In terms of the impact corruption has on human rights, CDI explained that:

Corruption is not just an economic crime. It actually vitiates people's rights in the economic and social fields, as well as in the political-civil rights field.¹⁴⁰

3.204 While the problem of corruption is not confined to the Asia Pacific, a significant number of countries in the region attained very low scores in the 2002 Transparency International Corruption Perceptions Index (scoring less than 5 out of 10).¹⁴¹

3.205 The preponderance of corruption and associated behaviours reinforces the view that good governance components and practical good governance strategies are absolutely fundamental to the realisation of human rights and human rights education.¹⁴²

3.206 ALHR maintain that good governance training and institutional strengthening must have an anti-corruption component.¹⁴³ It is not just politicians or public servants that should be aware of corruption. ALHR advised that any organisation dealing with human rights—such as human rights commissions and civil society organisations—has to understand the capacity for their own organisation to engage in corruption.¹⁴⁴

139 Submission 24, Transparency International, p.1; Transcript, 16 May 2003, FADT 136.

140 Transcript, 12 May 2003, FADT 71; See also Pearson, Z, 2001, *Human Rights and Corruption*, Centre for Democratic Institutions, Canberra.

141 See, Transparency International Corruption Perceptions Index 2002 -Berlin, 28 August 2002 at <http://www.transparency.org/cpi/2002/cpi2002.en.html> (modified: 07/29/2003 19:24:05)

142 Transcript 16 May 2003, FADT 136.

143 Transcript 16 May 2003, FADT 136.

144 Transcript 16 May 2003, FADT 136.

- 3.207 CDI informed the Committee that they incorporate the concept of accountability into their programmes, with a focus on the institutional design aspects that can help combat corruption. One of the most effective practices found by CDI is declarations of assets by political leaders and public servants and their families.¹⁴⁵
- 3.208 Anti-corruption measures are a part of the Australian government's overall governance programme initiatives¹⁴⁶ and are part of AusAID's country strategies. For example, Australia will continue to support democracy in Indonesia through an expanded programme of assistance that includes anti-corruption measures.¹⁴⁷ One of the key themes for the Centre for Democratic Institutions is accountability, which they advance through workshops, seminars and research focusing on corruption.¹⁴⁸
- 3.209 Transparency International recommended that Australia should encourage the training of more trainers in corruption prevention and enforcement and that AusAID should release a coherent policy on anti-corruption.¹⁴⁹
- 3.210 The Vietnamese Community in Australia made a number of recommendations aimed at ensuring corruption was addressed in Australian companies active in the region.¹⁵⁰

The role of civil society

- 3.211 In its mid-term review of the Decade for Human Rights Education, the UN stated that 'non-governmental organizations are key actors' and that there is a 'growing need for increased collaboration and coordination between governmental and non-governmental actors in respect to their human rights activities'.
- 3.212 The Castan Centre supported the UN's view, suggesting both advocacy-based (such as Amnesty International) and development-based NGOs play a role through raising awareness and empowering local communities. The Castan Centre maintained that while there are few

145 Transcript 12 May 2003, FADT 71.

146 See *Australia's Overseas Aid Program 2003-04*, Statement by The Hon. Alexander Downer MP, Minister For Foreign Affairs 13 MAY 2003, http://www.aisaid.gov.au/budget03/budget_2003_2004.html#gov

147 See AusAID's country information for Indonesia at <http://www.aisaid.gov.au/country/country.cfm?CountryId=30> (Updated 12 May 2004)

148 See About CDI, http://www.cdi.anu.edu.au/about_CDI/aboutcdi1.htm#themes (modified 19 April, 2004)

149 Submission 24, Transparency International, p.3.

150 Submission 6, Vietnamese Community in Australia, p.7.

explicit human rights programmes carried out by NGOs, the participatory development model followed by many NGOs is inherently favourable to human rights. Castan submits that if there is a failing it is that NGOs often can't 'scale up' local level initiatives to the national level or directly influence developing country government institutions and behaviours. This requires a more 'symbiotic relationship' to evolve between the Australian government and NGOs.¹⁵¹

- 3.213 The Australian Government, through AusAID, provides significant support to Australian NGOs. AusAID advised the committee that accredited NGOs have access to the AusAID NGO Cooperation Programme (ANCP), with funding for 2002-03 totalling \$26.4 million.¹⁵² The ANCP subsidises Australian NGOs' own community development activities. To be eligible for funding, NGOs must meet the ANCP guidelines. AusAID stated that activities promoting human rights and good governance can and have been funded through this scheme.¹⁵³ Australian NGOs, in partnership with indigenous NGOs, are also able to access funds through the Human Rights Small Grants Scheme.
- 3.214 A number of submissions raised issues related to access to funding and cooperation between the Commonwealth and NGOs, particularly those NGOs directly engaged in providing human rights education.
- 3.215 Australian Lawyers for Human Rights considers that not enough is being done by the Federal Government either to engage with the few NGOs currently undertaking human rights education, or to promote the conduct by NGOs of human rights education. ALHR links this deficiency to the Australian Government's financial and logistic commitment to the Decade, which ALHR claim has been inadequate to achieve real collaboration. In addition ALHR submits that the Australian Government's view of the relationship between NGOs and government generally does not encourage collaboration; in relation to human rights education or any other endeavour.¹⁵⁴
- 3.216 The Australian Government support for NGO involvement in human rights activities in the region is through activities such as regular biannual consultations between DFAT and the NGO community, invitations to provide input prior to Australia's bilateral human rights dialogues with China, Vietnam and Iran, and ad hoc consultations on an as needed basis. In addition, much of the work in developing human rights curriculum

151 Submission 40, Castan Centre, p.4.

152 AusAID *Annual Report 2002-03*, p.78

153 Submission 41, AusAID, p.3.

154 Submission 36, Australian Lawyers for Human Rights, pp. 1-2.

materials and teaching about human rights in the school system in Australia which is supported by the government is undertaken by Australian NGOs.

- 3.217 The Castan Centre argued that there remains much to be learnt about the structure and conduct of the relationship between NGOs and the Australian Government. The Government cannot rely on accreditation and contracting regimes to mediate the relationship between the Government and NGOs. While accountability standards imposed on NGOs are often warranted, the Castan Centre contends that the indiscriminating application of these standards can also have the side effect of diminishing the very strengths of these organisations. As such, the Castan Centre believes that there is still some way to go before truly effective partnerships that recognise the peculiar character of NGOs are in place.
- 3.218 The Diplomacy Training Programme argued that human rights education and the role of NGOs in delivering human rights education needed to be given a higher priority by AusAID, including more flexible funding guidelines.¹⁵⁵
- 3.219 As an example of an NGO engaged in human rights and good governance education, the Diplomacy Training Programme highlighted their difficulty meeting AusAID's funding guidelines.¹⁵⁶ DTP explained that the guidelines 'really look at the scope of one's external funding base as a magnet for AusAID support with the result that the programme has received only very minimal funding from AusAID'.¹⁵⁷ DTP and Vietnamese Community in Australia suggested that NGOs engaged in human rights education should be able to access some form of tax relief, such as tax deductibility status, similar to that granted to the National Committee for Human Rights Education.¹⁵⁸
- 3.220 ALRI also raised the issue of funding. Their specific concern related to the reorganisation of AusAID and reported closure of numerous desk officer roles. ALRI claim that NGOs now cannot discuss funding issues 'with people who are aware of the issues faced within each of the nations where assistance was proffered'. ALRI claim that this will result in those making decisions on where to direct available funds being ill-equipped to make the correct decisions and will have a 'deleterious effect to the contribution

155 Submission 35, Diplomacy Training Program, p.2.

156 Submission 13, Diplomacy Training Program, p.2.

157 Transcript, 16 May 2003, FADT 115.

158 Transcript, 16 May 2003, FADT 122; Submission 6, Vietnamese Community in Australia, p.4.

the NGO sector is able to make to the development of human rights in the Asia Pacific Region and elsewhere'.¹⁵⁹

- 3.221 ALHR argue that NGOs in the region undertaking human rights and good governance education programmes should be provided with core funding to enable them to meet the running costs of their respective organisation, on top of funding to implement the actual programme.¹⁶⁰
- 3.222 Australian Volunteers International turned the focus of the funding issue to the difficulties faced by small in-country NGO's in accessing available funds. In most cases, Australian missions have small amounts of money to provide grants. The difficulty is in the convoluted administrative processes required for a in-country NGO to access funds, including language difficulties, both English language difficulties and the correct way to fill in funding applications. AVI told the Committee that some NGOs need to have an AVI volunteer just to write submissions to the UN, UNDP, World Bank or AusAID. AVI contends that a lot of good work is not being done due to the difficulty of local in-country NGOs accessing necessary funds.¹⁶¹
- 3.223 ACFOA recommended that the Government develop new cooperative arrangements to support and enhance the work being done by Australian NGOs in developing human rights and good governance.¹⁶² Further questioning by the Committee revealed that AusAID and ACFOA are working towards establishing new cooperative arrangements that, in ACFOA's view, will lead to more effective and sustainable aid programme outcomes and allow for NGOs to have more input into policy and strategy. A key change appears to be that rather than being constricted by short, rigid contracts to provide certain outputs such as water, education and health, there will be a longer term partnership style and flexible arrangements.¹⁶³
- 3.224 ACFOA acknowledged "AusAID's willingness to embrace a new way of working with NGOs and equally to also say that we have still got a bit of a road ahead of us in making the outcome live up to the promise that has been put on both sides."¹⁶⁴

159 Submission 17, Australian Legal Resources International, p.3.

160 Transcript, 16 May 2003, FADT 145.

161 Transcript, 16 May 2003, FADT 130.

162 Submission 23, ACFOA, p.17.

163 Transcript, 12 May 2003, FADT 80.

164 Transcript, 12 May 2003, FADT 80.

- 3.225 The Committee is very interested in following the progress of AusAID's and ACFOA's reform of cooperative arrangements and believes that funding issues, such as the ones raised in this inquiry, need to be addressed as part of that process. This does not necessarily require additional funds, but consideration of how funds are accessed and allocated.
- 3.226 The Committee also recognises the role that indigenous (in-country) NGOs play in respect to informal and transformative human rights and good governance education programmes. The Committee is concerned that organisations such as the Diplomacy Training Programme have difficulty in attracting AusAID funding. In addition, increased support to indigenous NGOs engaged in human rights and good governance education would assist in facilitating human rights and good governance education more broadly. However, support to indigenous NGOs engaged in human rights and good governance education would have to be tempered by sensitivities of regional governments given the contentious nature of human rights in the region.
- 3.227 The Committee also believes that the issue of tax relief for NGOs engaged in human rights education should be considered to assist them in financing their activities. Similar tax relief is provided to the NCHRE, and other community organisations, such as in the environment sector.
- 3.228 To implement this, NGOs engaged in human rights education may be considered as deductible gift recipients (DGRs) so that they can receive income tax deductible gifts. The income tax law determines which types of organisations can be DGRs and they then need to be endorsed by the Tax Office.
- 3.229 Deductions for gifts are claimed by the person or organisation that makes the gift and reduce the donor's taxable income.
- 3.230 DGRs listed by name in the income tax law currently include organisations like Amnesty International Australia.¹⁶⁵

165 Australian Taxation Office. 2003. *GiftPack for deductible gift recipients & donors*. Commonwealth of Australia

Recommendation 11

That AusAID actively promote the inclusion of human rights and good governance education in the work done by NGOs, and that AusAID review the criteria by which NGOs access funding available specifically for human rights and good governance education.

Recommendation 12

That non-government organisations directly engaged in human rights and good governance education be considered as deductible gift recipients (DGRs) so that they can receive income tax deductible gifts.

Radio Australia

- 3.231 Radio Australia is the international radio and online service of the Australian Broadcasting Corporation, the ABC. It has been broadcasting for over 60 years in key regional languages including English, Pidgin, Chinese, Vietnamese, Khmer and Indonesian.¹⁶⁶
- 3.232 A number of submissions supported the role of Radio Australia in advancing the promotion of human rights and good governance education and called for more resources to be put into Radio Australia.
- 3.233 The submission from the Friends of the ABC suggests that a combination of funding cuts and the closure of the Cox Peninsula transmitter has resulted in a significant decline in the service and influence of Radio Australia in the region:¹⁶⁷
- In 1997-98, RA's operational budget was cut from \$13.6 million to \$6.3 million and the transmission budget from \$13.7 million to \$2.5 million. Prior to this, the overall audience reach was estimated to be 20-30 million people. Current overall funding is \$13.6 million, with the operational budget being \$7.9 million and the transmission budget being \$5.7 million (which includes a \$2.8 million final instalment of a three year one-off grant of \$8.4 million announced by the Government in 2000).
 - The sale of Cox Peninsula means that RA has to purchase bandwidth from Australian or overseas organisations. RA is currently purchasing

166 About Radio Australia <http://www.abc.net.au/ra/about/default.htm>

167 Submission 20, Friends of the ABC, pp. 1-13.

transmission out of sites in Singapore, Taiwan and the Northern Mariana Islands but can only afford to broadcast in shortwave on two frequencies. Services provided by other countries usually use five or six frequencies.

- RA's coverage has been significantly downgraded in Asia, particularly in Vietnam, Cambodia, Laos, Malaysia and Thailand.
- Broadcasts into the Pacific continue from transmitters in Shepparton and Brandon but transmission into Asia has been cut by a fifth.
- RA's Japanese, Cantonese, Thai and French services no longer exist and other language services have been significantly reduced.
- The Asia economic crisis, the fall of the Suharto regime and the East Timor crisis are cited as situations where RA's services were required but could not be accessed due to degraded services.

3.234 Friends of the ABC also claim that Australia's downgrading of Radio Australia is at odds with initiatives of other governments in this area. While Australia appears to be moving away from short-wave technology and reducing its services in the region, the US, UK and Chinese governments have been expanding shortwave services. For example, the US has reportedly launched a new short-wave service called Radio Free Asia with a budget of \$30 million.¹⁶⁸ The Chinese government has purchased 10 new 500 kilowatt transmitters to strengthen its output in 43 languages.¹⁶⁹

3.235 The Friends of the ABC also claim that Australia has been replaced as the pre-eminent foreign broadcaster in Indonesia by the BBC, Voice of America and Voice of Malaysia, with RA's audience halving in the last decade.¹⁷⁰

3.236 A number of submissions supported strengthening the Radio Australia service in respect to human rights and good governance education. The Diplomacy Training Programme considers that an enhanced Radio Australia would have considerable potential to assist in promoting human rights education in the region, given the low levels of literacy in many countries of the region. It could do this through dedicated programmes

168 Radio Free Asia was established in March 1996 as a private corporation with funding voted by the U.S. Congress and then funnelled to RFA by the Broadcasting Board of Governors, which oversees all U.S. international broadcasters.

169 Submission 20, Friends of the ABC, p.5.

170 Submission 20, Friends of the ABC, p.11.

and series on human rights, on human rights instruments and the work of UN bodies and on the work of human rights NGOs.¹⁷¹

3.237 The Diplomacy Training Programme also suggests that educational modules and courses in human rights could be broadcast through an enhanced Radio Australia. Accurate and consistent reporting on issues of corruption and other issues of governance are important ways of reinforcing accountability.¹⁷²

3.238 In terms of impact, the DTP believes that:

By providing access to those working on human rights on the ground across the region to tell their stories it would help build awareness and understanding of human rights issues and give them a voice and access to important new audiences. An interview series with key human rights figures from the region could play a role in overcoming continuing misconception that human rights are a western concept.¹⁷³

3.239 The Asia Pacific Forum noted that a number of individual member institutions use radio as a means to disseminate human rights education. They consider that radio is a particularly important mechanism for remote communities or those with poor literacy skills.¹⁷⁴

3.240 The Vietnamese Community in Australia recommended that Radio Australia be required to project Australian values relating to human rights and good governance. Further, that Radio Australia's charter should be changed to highlight its role of 'projecting the Australian people's views of universal values of human rights and democracy'.¹⁷⁵

3.241 In response, DFAT informed the Committee that Radio Australia offers a range of programmes on human rights and good governance to audiences in the region. For example *Time to Talk* is running a series on governance in the Pacific including titles such as *Governance, Structure of Government*,

171 Submission 35, Diplomacy Training Program, p.1.

172 Submission 35, Diplomacy Training Program, p.1.

173 Submission 35, Diplomacy Training Program, p.1.

174 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.4.

175 Submission 6, Vietnamese Community in Australia, pp. 9 and 15; Currently Article 6.(1)(b) of the ABC Act 1983 specifies on function of the ABC as being: 'to transmit to countries outside Australia broadcasting and television programs of news, current affairs, entertainment and cultural enrichment that will:

- (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
- (ii) enable Australia citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs.'

Community Governance and Human Rights. The programme is co-produced with Victoria University and the Australian National University.¹⁷⁶

- 3.242 DFAT submitted that the Government has extended, for a further three years, additional funding of \$2.8 million per year.¹⁷⁷
- 3.243 In terms of whether or not enhancing Radio Australia would advance the promotion of human rights and good governance in the region, DFAT argued that a range of factors need to be considered such as programme reception and the resources available to target audiences.¹⁷⁸
- 3.244 In this current politically unstable and heightened security environment, the Committee sees considerable value in ensuring Australian views are promoted in the region. This includes promoting education in human rights and good governance. Efforts in regard to human rights and good governance education in the region need to be multifaceted, and Radio Australia is a mechanism that should perhaps be more fully utilised.

Recommendation 13

The Committee recommends that the services of Radio Australia be more extensively utilised by the Government to support human rights and good governance education efforts in the region.

Media

- 3.245 The National Committee on Human Rights Education contends that ‘there is an important if not integral nexus between good governance and a free media’. NCHRE noted that AusAID’s definition of good governance, while including issues such as economic and financial management, law and justice, public sector effectiveness and civil society, does not explicitly address the role of the media.¹⁷⁹
- 3.246 As stated previously in the context of domestic human rights and good governance education programmes, the media can play a key role. Chief Justice Malcolm noted that media freedom in the region was uneven in the region, with some countries such as the Philippines having a very liberal approach, while others are very restrictive.¹⁸⁰ The Committee notes the report of the recent parliamentary delegation to East Timor, which identified the need for a better trained and professional media as being

176 Submission 39, DFAT, p. 1.

177 Submission 39, DFAT, p. 1.

178 Submission 39, DFAT, p. 1.

179 Submission 22, NCHRE, p.14.

180 Transcript 3 April 2003, FADT 32

important to the development of democracy and good governance in that country.

Pacific Media Initiative

- 3.247 The Committee notes that AusAID is funding a programme to assist in training media professionals. The Pacific Media Initiative (PMI) provides customised short-course training to media professionals, including government, private sector and community media liaison officers, scholarships, and scholarship funding. This training assists in strengthening the ability of media professionals to articulate and debate key public policy issues in an accurate and balanced manner. It also encourages the involvement of government officers and NGOs in these training programmes. Another key objective of the PMI is to assist media organisations respond to new challenges by providing training in human resource, financial and administrative management skills to both commercial and government-run organisations.
- 3.248 Since 1996 Australian support for the Pacific Media Initiative has helped to strengthen the Pacific's media, with the intention that a free and active media can promote better governance and educate citizens about good governance and human rights.¹⁸¹
- 3.249 Given the apparent success of this programme, the Committee believes that it should be expanded to allow media professionals from East Asia, such as East Timor, to take advantage of training.¹⁸²

Recommendation 14

That AusAID review its definition of 'good governance' to include a reference to the role of the media.

181 Submission 9, AusAID & DFAT, p.14.

182 The Committee notes the Office of Transition Initiatives (OTI) being conducted in Indonesia by the US aid agency USAid, which includes a component for training of journalists to understand and cover political issues, and has provided equipment to expand their field reporting.

Recommendation 15

That Committee recommends that the Pacific Media Initiative be expanded to include media professionals from countries in East Asia, including East Timor.

Engagement with non-democratic countries

- 3.250 It can be argued that in countries where human rights are ignored or suppressed, human rights, and human rights education are perceived as being overtly political, if not subversive. This is largely because knowledge of human rights can be empowering for oppressed or marginalised individuals and groups.
- 3.251 The Australian Government has been, and continues to be, criticised for its engagement on human rights with certain countries, such as Burma and China. For example, in the case of China critics argue that human rights dialogues, which are conducted by Australia as well as a range of other countries, are ‘piecemeal and fail’, with the major problem being a lack of independent monitoring of the programmes put in place by such talks to see if they have led to a demonstrable improvement in human rights.¹⁸³
- 3.252 Nevertheless, the Committee was presented with evidence supporting continued engagement with regimes such as the Burmese Government, rather than following an isolationist approach.
- 3.253 The Castan Centre acknowledged the sensitivity of engaging with entities with poor human rights records, but submitted that the potential benefits for the advancement of human rights of specific educational engagement are too important to disregard in adopting an isolationist position.
- 3.254 The Castan Centre gave three reasons for engaging with otherwise despotic regimes: first, countries can’t be isolated on the basis that they are not democratic; it is incumbent on a nation such as Australia to engage because if the universalisation of the human rights project is truly to be a universalisation project it must include all countries and all views; second, human rights discourse arms and empowers those within the country and within a government who are latent democrats, and; third, engagement on the level of human rights may lead to engagement on other levels such as trade that will assist in breaking down barriers.¹⁸⁴

183 Anne Hyland, ‘Question mark on rights talks’, *Australian Financial Review*, 12 August 2003, p.14.

184 Transcript, 12 May 2003, FADT 57.

- 3.255 However, they cautioned that care must be taken to ensure that real progress is being made in countries with poor human rights records rather than relying merely on statements of the governments involved or their participation in educational programmes.
- 3.256 The Committee was also interested in the question as to whether, in certain situations, human rights education and training could be interpreted as a threat by a host or recipient government, particularly if that training was provided to known opposition and activist groups. This issue was highlighted in 2002 when the Indonesian media and Australian think-tank the Institute of Public Affairs raised concerns that Australian funded NGOs were supporting separatist movements in Indonesia.¹⁸⁵
- 3.257 The Diplomacy Training Programme explained that, while there was a refereeing process for participants in their programmes and that some governments may perceive the training to be a threat, they believed that the principles underlying the training are universal and transcend government:
- It is a delicate matter. The DTP has provided training for the Burmese Government in exile over a number of years. From the perspective of SLORC in Myanmar, that may well be seen to threaten the established government. It is a delicate line that requires judgement, but is informed at the end of the day by the fact that the DTP's human rights education program is in aid of the development of international human rights standards, the rule of law and the development of a democratic process.¹⁸⁶
- 3.258 Further, they explained that it is not possible to monitor or control the future actions of participants. The training itself is not seen as having a 'destructive potential'; DTP describes its human rights training 'not as weapons of mass destruction; we see them as weapons of mass salvation'.¹⁸⁷ In addition, the DTP argue that the training is entirely consistent with the commitment of the Australian government to promote human rights standards and the observance of human rights standards in the region.¹⁸⁸
- 3.259 Our engagement on human rights issues with undemocratic, authoritarian regimes reflects Australia's commitment to human rights principles, but
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185 'Aid to rebels claims upset Indonesians', *The Australian Financial Review*, 23 September 2002; 'AusAID denies funds misused by NGOs to support Papua separatists', *The Canberra Times*, 28 September 2002.

186 Transcript, 16 May 2003, FADT 119.

187 Transcript, 16 May 2003, FADT 119.

188 Transcript, 16 May 2003, FADT 121.

this engagement must be tempered with the need to see demonstrable improvements in human rights standards in the recipient country.

Conclusion

- 3.260 Despite the plethora of regional human rights and good governance programmes described in the submissions received by the Committee, significant and persistent failures in governance and respect for human rights continue to occur in the region. In the context of the Senate's *inquiry into Australia's relationship with PNG and other Pacific Island countries*, Professor Mark Turner has argued that, in the case of the failure of public sector reform in PNG, the failure is not because of a lack of policies or programmes but is a problem of implementation¹⁸⁹.
- 3.261 The Committee concludes that there is a need to enhance the 'education' aspect of human rights and good governance to improve the chances of success and sustainability. In reference to the discussion in Chapter 2 regarding the difficulty in defining human rights and good governance education, this need starts with a greater understanding of human rights and good governance education and their interrelationship, as well as the clear definition of standards.
- 3.262 Human rights and governance *education* issues need to be made explicit in programme or project strategies and objectives, and remain consistently in focus throughout the implementation process. There is also a need to increase capacity of the organisations involved so that they are able to respond more effectively and in a sustained way.

189 Mark M Turner, (Professor, Division of Management and Technology, University of Canberra) Submission No 41 to the Senate Foreign affairs, Defence and Trade References Committee inquiry into *Australia's relationship with PNG and other Pacific Island countries*.

Recommendation 16

That human rights and governance education be clearly identified as a key component and outcome in the strategies and objectives of AusAID's governance programmes and projects.

International efforts

3.263 As well as domestic and regional initiatives, the Government has pursued human rights and good governance education through international forums, principally the United Nations and the Commonwealth (as discussed in Chapter 4).

United Nations

3.264 DFAT submitted that the Government has been actively promoting human rights and good governance education through the United Nations system through a range of initiatives.¹⁹⁰

3.265 Australia provides support for Office of the United Nations High Commissioner for Human Rights (OHCHR). In 2001-2002 Australia provided \$200,000 to enable the OHCHR to continue work on establishing and promoting national Human Rights institutions in the Asia-Pacific region.

3.266 Australia and Namibia were joint sponsors for an annual resolution on the *United Nations Decade for Human Rights Education* in the United Nations General Assembly and co-sponsors for a similar resolution at the Commission on Human Rights in regard to human rights and human rights education.¹⁹¹

3.267 Through sponsorship for an annual resolution on *National institutions for the promotion and protection of human rights* at the CHR, the Australia has helped to maintain the United Nations' support for national institutions. The resolution reaffirms the importance of creating and strengthening

190 Submission 9, AusAID & DFAT, pp. 2-3.

191 Submission 9, AusAID & DFAT, p2. These resolutions are adopted by consensus and reaffirm that every woman, man and child, in order to realise their full human potential, must be made aware of all their human rights and fundamental freedoms, and also that human rights education should involve more than the provision of information and should constitute a comprehensive, lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.

independent, pluralistic national institutions for the promotion and protection of human rights and of the role such institutions play in developing and enhancing public awareness of those rights and freedoms.

- 3.268 Australia has been lead sponsor of the resolution on *The role of good governance in the promotion of human rights*, since 2001. This resolution was adopted by consensus at the last meeting of the Commission on Human Rights. The resolution emphasised the need for a transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, as the foundation on which good governance rests. The resolution also focuses attention on the importance of good governance as a guarantee for the observance of internationally accepted standards of human rights, and calls for the High Commissioner for Human Rights to convene an international seminar on good governance. It is the Australian Government's hope that this seminar will be held over the coming year, in the Asia-Pacific region.
- 3.269 Australia is a co-sponsor with other countries for resolutions in the United Nations General Assembly on *Human rights and the administration of justice* (with Austria) and on *Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratisation* (with the U.S.)

The Commonwealth

- 3.270 The Commonwealth is a voluntary association of independent sovereign states, comprising 54 developed and developing nations spread over every continent and ocean in the world. The common link between these countries is that they were former colonies or dependencies of the United Kingdom. The supreme body of the Commonwealth is the Commonwealth Heads of Government Meeting (CHOGM), where Commonwealth Leaders meet every two years in a different country, to review global political and economic developments and to take a strategic overview of the Commonwealth's work in support of the interests of its member countries¹⁹².
- 3.271 In 2003-03, Australia provided \$12.2 million to Commonwealth organisations for Commonwealth developing countries in 2002-03. This assistance targeted capacity building for institutions and individuals, good governance, human rights and conflict resolution.¹⁹³

192 DFAT, *What is the Commonwealth?*,
http://www.dfat.gov.au/intorgs/commonwealth/aus_comm_1.html

193 AusAID *Annual Report 2002-03*, p.69

- 3.272 The Commonwealth's diverse membership, its common linguistic and legal heritage and its history of involvement in political issues, most notably opposing apartheid, means the organisation has a useful role to play in promoting democracy and good governance, despite its modest financial resources. The Commonwealth undertakes this role through bodies such as the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), its conduct of election monitoring, the Secretary-General's "good offices" role as well as development activities including human rights education.
- 3.273 The increasing priority attached to these efforts within the Commonwealth is reflected in the report of the High Level Review Group (of which the Prime Minister was a member), adopted by the Coolum CHOgm, which committed the Commonwealth "to intensify efforts to assist members in strengthening democracy and democratic institutions through the provision of constitutional, electoral and legal assistance."¹⁹⁴ Australia has in particular emphasised the importance of increasing the Commonwealth's good governance activities amongst the small island states of the South Pacific.
- 3.274 Recent Commonwealth human rights and good governance education activities in the region include a Commonwealth Leaders Meeting on Good Governance held in the margins of the Pacific Island Forum in 2002, and a regional workshop on the practical implementation of the Convention on the Rights of the Child.¹⁹⁵
- 3.275 The activities of regional and international organisations are discussed in more detail in Chapter 4.

194 Commonwealth High Level Review Group. 2002. *Report to Commonwealth Heads Of Government, Coolum, Australia* (as adopted at their meeting in Coolum on 3 March 2002), <http://www.meadev.nic.in/foreign/cwhlrg5mar2002-chogm.htm>

195 Submission 9, AusAID & DFAT, p.3.

