



Submission No 33

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

Organisation: The Asia Pacific Forum of National Human
Rights Institutions

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THE ASIA PACIFIC FORUM
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

...a partnership for human rights in our region

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Mr Adam Cunningham
Secretary
Human Rights Sub-Committee
JSCFAD&T
Parliament House
Canberra ACT 2600



Dear Mr Cunningham

Re: Human Rights and Good Governance Education in the Asia Pacific

Thank you for your letter dated 29 May 2003 outlining supplementary questions relating to the above inquiry.

Please find attached my response to your questions.

Please feel free to contact me if you require further information.

Yours sincerely,

Kieren Fitzpatrick
Director, Secretariat
Asia Pacific Forum

Human Rights and Good Governance Education in the Asia Pacific

Supplementary Questions and Answers Asia Pacific Form of National Human Rights Institutions

Q *At the 2002 National Strategic Conference on Human Rights Education, there was general consensus that human rights education has yet to make substantial inroads in terms of fulfilment of the specific aims and programs envisaged in the UN Decade for Human Rights Education. Do human rights institutions need to play a greater role and more expansive leadership role in regard of human rights good governance education?*

A National Human Rights Institutions (NHRIs) generally have a mandate to conduct human rights education and promotion programs. However effective human rights education activities requires the active input and cooperation of a wide range of governmental and non-governmental actors. It is not, and nor should it be, the sole responsibility of NHRIs. The role of NHRIs could, however, be enhanced by strengthening their capacity to more effectively undertake human rights education and promotion activities.

One area that is the direct responsibility of NHRIs is the need for them to provide education to the general public about the services they provide. This role clearly needs to be appropriately supported by the State with the provision of adequate funding. Without adequate education in this area, NHRIs are likely to only receive complaints from the sector of the population that has the knowledge and confidence to make use of them.

Q *There is a strong argument that good governance is an essential precursor to the realisation of human rights and that without good governance and strong institutions, human rights are at risk of remaining a theoretical and idealistic concept, never to be realised at a practical level. What does the APF do in regard to good governance education in member countries? Should good governance be a priority, particularly the issue of corruption? To what extent is good governance an issue with the APF?*

A It is clear that the context in which a NHRI operates has a significant influence on whether it will prove effective or not. For example, where there is a perceived impunity for perpetrators of human rights violations, NHRIs will find it difficult to effectively achieve their mandate. If perpetrators cannot be brought to justice because of corruption in Government or the Judiciary (or a lack of adequate prosecution powers provided to the NHRI), then it sends out a signal to the broader community that human rights are not valued or respected. Violations are then seen as the 'norm' rather than the exception. Thus, while NHRIs can effectively promote and validate a human rights culture, their work

can equally be ineffective when it is contradicted by official governmental or judicial decisions that run counter to human rights.

Recognising the above, the APF works with its member institutions to assist them in the promotion and protection of human rights in the administration and operation of the institutions of State (eg training of government officials, the judiciary or the military on human rights norms).

In terms of whether the specific issue of corruption should be a priority or not, the APF is guided by the strategic decisions of its member institutions. The member institutions are best placed to determine which issues should be prioritised in order to promote and protect human rights in their own domestic jurisdictions.

Q How does APF monitor and measure the effectiveness of its human rights education programs? Are member governments cooperative in this regard?

A The APF has developed monitoring and evaluation mechanisms for all of its technical cooperation projects. These mechanisms not only monitor the usefulness of the training while it is being provided, but also how well the skills have been implemented once the participant returns to their day to day work environment. For example, please see the follow-up questionnaire in issue No2 of the Forum's 'Investigators Network' (e-mail attached).

The APF's 'members' are the independent national human rights institutions rather than their governments. The relationship between our individual members and their governments varies over time and is determined by the context and environment in which they are working. Historically, however, the APF has developed good working relationships with the governments of the region. For example, our annual meetings are generally opened at the level of the head of state of the host country.

Q 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'. Should more support be provided to NGO's engaged in human rights and good governance education?

A All of our member institutions have developed cooperative working relationships with human rights NGOs. This is in recognition of the value of cooperative activities with civil society. This relationship was formalised by the joint adoption by the APF and regional network of human rights NGOs – the NGO Facilitating Team – of the 'Kandy Declaration' in 1999 (see - <http://www.asiapacificforum.net/activities/thematic/ngos/ngos.htm>).

The Kandy Declaration sets out the range of areas in which NHRIs and NGOs have agreed to cooperate. The declaration “reaffirmed faith in the crucial importance of cooperation between national human rights institutions and NGOs and recognised they should work together on the basis of their common commitment to the universality and indivisibility of human rights as expressed in the Universal Declaration of Human Rights, international human rights instruments and the Vienna Declaration”. The declaration “also recognised that national human rights institutions and NGOs have different roles in the promotion and protection of human rights and that the independence and autonomy of civil society and NGOs and of national human rights institutions must be respected and upheld.” With regard to human rights education, the NHRI and NGO participants agreed to:

- Recognise that effective human rights education must be based on an analysis of the human rights situation in the particular country and on the Universal Declaration of Human Rights and other international human rights instruments;
- Adopt as the goal of human rights education the creation of an environment which enables recognition and respect for the human rights of all people and maximises individuals’ and communities’ awareness of their own human rights and their capacity to utilise available mechanisms for the enforcement of these rights;
- Undertake an evaluation of existing programs at the national and regional level;
- Use available tools for planning, e.g. the guidelines for national action plans in the field of human rights prepared within the framework of the International Decade for Human Rights Education;
- Consult on human rights education in order to facilitate planning and implementation, to encourage governments to fulfil their obligations to provide human rights education, to identify the organisations best placed to undertake particular programs, to avoid duplication, to coordinate fund raising and to monitor the effectiveness of programs. A potentially fruitful area of cooperation would be for national institutions and NGOs to exchange materials and resources to enable them to carry out human rights education activities;
- Consult in the development of curricula designed for the mainstream education system, whether at the primary, secondary or tertiary levels;
- Develop cooperative programs and facilitate joint participation in programs of training for teachers and public officials, including the military, the police and corrective services personnel;
- Develop cooperative programs and facilitate joint participation in programs of training for human rights educators, including teachers and parents;
- Cooperate with relevant judicial authorities in programs of training for members of the judiciary;
- Develop memoranda of agreement with government agencies to facilitate the provision of training to government officials;

- Develop panels of speakers from both NGOs and national institutions who would be available for human rights education presentations;
- Cooperate in the dissemination of information on international and domestic human rights instruments, including the Paris Principles and the Declaration on Human Rights Defenders;
- Where appropriate, promote human rights education through public or media campaigns, to be undertaken individually as well as jointly;
- Develop relations with the media, particularly the state-owned media in some countries, to promote informed coverage of human rights issues;
- Facilitate joint participation in public meetings, conferences and media events;
- Establish mutual links on internet websites;
- Develop joint or separate approaches to technical assistance and potential funding agencies, including OHCHR and UNDP, with proposals for human rights education programs;
- Cooperate in using reports of national human rights institutions, NGOs, the United Nations human rights mechanisms and treaty monitoring bodies as tools for increasing public awareness and pursuing specific issues.

See <http://www.asiapacificforum.net/activities/thematic/ngos/concluding.htm> for the full text of this declaration. The joint activities outlined above could be enhanced with greater support being provided to NGOs and NHRIs working in the field of human rights education.

- Q A number of submissions call for Australia to support a 2nd Decade for Human Rights Education. What, in your view, could be achieved with an additional 10 years devoted to human rights education?*
- A* The APF is not in a position to provide an informed response to this question. A formal evaluation of the success or otherwise of the 1st Decade would need to be undertaken to determine the value of instituting a 2nd Decade.
- Q The Friends of the ABC (submission 20) argue that the ABC's Radio Australia is one of the most significant voices for Australia's interest and Australia's relationship in the region. Would an enhanced Radio Australia service assist in promoting human rights and good governance education in the region? How could the existing Radio Australia service best be used to support human rights and good governance in the region?*
- A* The APF is not in a position to provide an informed response to this question. I would, however, like to draw the sub-committee's attention to the fact that a number of our individual member institutions use radio as a means to disseminate human rights education. This is a particularly important mechanism for remote communities or those with poor literacy skills.

Q The 2002 National Strategic Conference on Human Rights Education observed that the UN Decade has made very little impact as yet on state education systems. What are you doing to better promote human rights education in education curricula in member countries?

A The APF works with its member institutions to assist them in the implementation of their work to promote the inclusion of human rights education in national curricula. For example, the APF assisted in the development of the Fiji Human Rights Commission's National Plan of Action for Human Rights Education (which was tabled at the Sydney hearings of the sub-committee). The National Plan details strategies and targets for the development of human rights education in the national curricula of Fiji. Another recent example is that on 6 June 2003 the APF has received a request from the National Human Rights Commission of India for assistance in the establishment of a 'National Human Rights Education Institute' under the aegis of the Indian Commission. The mandate of the Institute will be as a national resource and advocacy centre for human rights curricula development at the primary, secondary and higher education levels in India.

Q How effective are the various UN agencies (i.e. UNDP, UNESCO) in the region in terms of human rights and good governance education?

A The APF mainly deals with the United Nations Office of the High Commissioner for Human Rights and, to a lesser extent, UNDP. The nature of the relationships is, in the main, that of a donor and recipient (i.e. the APF receives UN funding for the implementation of specific APF activities). Given the limited nature of this type of relationship the APF is not in a position to provide a considered response to this question.

Q Do you consider the lack of a regional human rights mechanism as a significant obstacle to effective and sustainable human rights and good governance education in the region?

A Effective and sustainable human rights and good governance education needs, in the first instance, to be implemented domestically. However I believe that the lack of a formal governmental regional human rights mechanism in the Asia Pacific is a significant obstacle not just to the implementation of human rights education but also to the general protection and promotion of human rights in the region. I believe that this is demonstrated by the significant achievements the APF – with its limited mandate and funds – has already achieved regionally. An effective governmental regional arrangement, in a form similar to the mechanisms that exist in the Americas, Africa and Europe, could achieve considerably more.

Q Despite the plethora of regional human rights and good governance programs described in your submission, we continue to witness significant failures in governance and respect for human rights in the region. Why have governance

programs not worked? Is there a need to redirect or redesign governance programs?

- A** I would submit that the APF's submission does not detail a plethora but rather an extremely limited range of technical cooperation programs undertaken in the region. The APF is a small organisation – it has less than four full-time employees and an associated operational budget of approximately 1.4 million AUD (of which AusAID provides \$500,000). Given that the APF currently has 12 member institutions and its membership is anticipated to grow in size to 16 in the near future, this limited amount of funding is spread very thinly across the region.

In terms of the APF's technical cooperation programs with its member institutions, independent evaluations have deemed them to be successful and effective. In our experience, there is therefore not an urgent need to redirect or redesign the programs but rather to increase the overall capacity of the APF to be able to respond more effectively and in a sustained way. In the short term this will require an increase in the institutional capacity of the APF secretariat and in the amount of funds available for direct program delivery.