



## **Submission No 42**

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

**Organisation:** Government of Western Australia

**Contact Person:** The Hon Geoff Gallop, MLA  
Premier of Western Australia

**Address:** 197 St George's Terrace  
Perth WA 6000



Our Ref: 200216168

Senator Marise Payne  
Chair, Joint Standing Committee on  
Foreign Affairs, Defence and Trade  
Parliament House  
CANBERRA ACT 2600

Dear Senator Payne

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

Thank you for your letter dated 16 October 2002 seeking Western Australia's comments on the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into Human Rights and Good Governance in the Asia Pacific Region. The appropriate Ministers and agencies have been consulted and the following comments are provided.

Human rights education is embedded in the Western Australian *Curriculum Framework*, which is being implemented in all schools from Kindergarten to Year 12. Students' understanding of the concepts and values that support human rights are developed at increasing levels of sophistication through student achievement of the outcomes identified in the framework. These are specifically supported in the Society and Environment Learning Area, where it is recognised that 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.

The explicit acknowledgement of core-shared values in the *Curriculum Framework* also supports students in developing:

- respect and concern for the wellbeing of other people and the respect for life and property;
- social and civic responsibility; and
- environmental responsibility.

Education at the school level is fundamental to fair and sustainable social, political and economic development, as it provides students with the requisite knowledge, skills and values to actively and positively participate in their local and global communities. I would like to suggest, therefore, that the role of school education be considered as part of the National Inquiry.

Western Australia also supports Australia's external efforts to promote human rights and good governance education in the Asia Pacific region in order to ensure that human rights standards may be disseminated and understood within specific cultural contexts. I believe that partnerships between Western Australian agencies and both government and non-government agencies in the Asia Pacific region contribute to a better understanding of human rights and good governance.

One such successful partnership involves the Western Australian Department of Justice contributing to the operation of community based corrections in Sri Lanka. In particular, the Department is involved with the design and implementation of a project to enable the Government of Sri Lanka to create an effective community based corrections system to help alleviate overcrowding in Sri Lankan prisons.

I have attached a briefing on the project for your information, the main points of which are as follows:

- In mid-1998, the Sri Lankan Law Commission in conjunction with the Sri Lankan Ministry of Justice approached the Australian Government to assist with the introduction of a workable community based corrections system in Sri Lanka.
- The Community Based Corrections Pilot Project commenced in August 1999.
- An Australian Project Director was seconded from the Western Australian Department of Justice and spent over six months in Colombo helping establish and run the project.
- The Project Director completed his formal involvement with the project in September 2000.
- An independent review of the project that saw the commencement of community corrections as a sentencing option in seven courts in Colombo was undertaken in June 2001 and found to be very successful.
- The success of the project to date has resulted in AusAID continuing to progress its expansion.
- A tender is currently being prepared for training trainers who will be able to create the capacity to expand the project across the country.

The Western Australian Government also recognises the important role undertaken by the Human Rights and Equal Opportunity Commission (HREOC) in scrutinising the work of Government agencies in the areas of human rights and disability rights. This role contributes to Australia taking a lead place in the Asia Pacific region in protecting and promoting human rights.

I appreciate the opportunity to comment on the Committee's Inquiry into this important issue.

Yours sincerely



DR GEOFF GALLOP MLA  
PREMIER

18 JUN 2003

## **CAPACITY BUILDING PROJECT – SRI LANKA**

### **Background**

In the latter half of the 1990's, the Sri Lankan prison system was experiencing overcrowding by up to 400%. As such, the Australian Government was approached in mid-1998 by the Sri Lankan Law Commission in conjunction with the Sri Lankan Ministry of Justice, Constitutional Affairs, Ethnic Affairs and National Integration, with a request for technical assistance by way of a preliminary study into the introduction of a workable community based corrections system in Sri Lanka.

The study was tasked to examine alternatives to fines or imprisonment for minor and first time offenders to help alleviate the overcrowding in Sri Lankan prisons and reduce the detrimental impact of imprisonment upon the community and individuals. The study recommended the introduction of community based orders. A project design document for the Community Based Corrections Pilot Project was subsequently produced and funding approved by the Government of Australia through AusAID.

The Community Based Corrections Pilot Project commenced in August 1999. Under the auspices of the pilot project, six Community Corrections Officers and a Director were recruited to operate a Community Based Corrections Unit within the Sri Lankan Ministry of Justice. The recruited staff participated in an eight-week training program in Australia, which included theoretical sessions and work placements designed to give participants exposure to the practical operation of community based orders.

An Australian Project Director with extensive experience in this field was appointed to head the project and spent over six months in Colombo helping establish and run the project. An Australian Magistrate also visited Colombo to brief Sri Lankan Judges and Magistrates on the operation of Community Based Orders in Australia and as proposed under the pilot project.

The Australian Project Director completed his formal involvement with the pilot project in September 2000. An independent review of the project that saw the commencement of community corrections as a sentencing option in seven courts in Colombo was undertaken in June 2001 and found it to be very successful and ready for expansion.

### **Current situation**

Sentencing results for the period since commencement in February 2000 indicate that Community Based Corrections Orders were made on the basis of pre-sentence reports presented. The crimes committed by offenders were overwhelmingly drug-related.

The pilot project has been well received by the Government of Sri Lanka and the Ministry of Justice is keen to expand the project to areas both within and outside of Colombo.

A project feasibility study undertaken at the same time as the review identified five potential areas for further Australian assistance. A number of follow-up meetings were held between AusAID and the Sri Lankan Ministry of Justice and it was agreed in principle that AusAID would focus its assistance initially upon the training requirements of the Community Based Corrections Unit and the development of an in-house capacity to run drug rehabilitation programs. The need to develop capacity for in-house drug rehabilitation programs will be postponed as the pilot program appears to have identified sufficient referral opportunities to meet the needs of offenders to date and the currently evolved processes need to be reviewed in the context of the expansion of the project in its third phase when community based sentencing services will be expanded to other sites outside the greater Colombo area.

The aim now is to develop the capacity of selected members of the pilot group who were trained in Australia, to in turn train others so as to develop sufficient cohorts of suitably trained staff on a regular basis to expand services to other courts until a sustainable national service is in place. The process will see the development of a training branch of officers who are skilled in the delivery of community corrections and as trainers who are able to develop others to an acceptable level of competency. This capacity is essential so that the project may progress to its next logical level, which is the expansion of community corrections to other areas of Sri Lanka.

A further element in the training program will be to arrange for two Magistrates to visit an Australian jurisdiction for a period of two weeks during which time they will be able to observe directly the application and administration of community based sentences. This is intended to reinforce the use of these sentencing options as an alternative to imprisonment, as well as to generate some local capacity to influence other magistrates in the long term.