



Submission No 34

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

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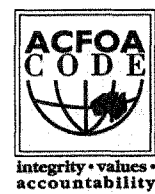


AUSTRALIAN COUNCIL
FOR OVERSEAS AID

PARLIAMENTARY INQUIRY INTO Human Rights and Good Governance Education in the Asia Pacific Region

**SUPPLEMENTARY SUBMISSION TO
THE HUMAN RIGHTS SUB-COMMITTEE,
THE JOINT STANDING COMMITTEE ON FOREIGN
AFFAIRS, DEFENCE AND TRADE**

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ACFOA is the coordinating body for some 90 Australian non-government organisations in Australia and administers a Code of Conduct committing members to high standards of integrity and accountability.

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Question One:

You state that the region's size and diversity is an obstacle to progress on human rights and good governance education. How and to what extent can cultural and societal diversity be better taken into account when developing and delivering human rights and good governance education programs?

Addressing the cultural and societal diversity that the Asia Pacific region presents can only be achieved with the representation and participation of civic groups in program development, implementation and evaluation. ACFOA considers the participation of recipient communities as the foundation of turning good governance principles into community-owned, society inclusive, long-term results.

The participation of communities in the Asia Pacific in developing human rights and good governance education programs is severely hampered by two impediments: a lack of basic education and weakened civil society.

ACFOA believes 'basic education' and specific 'human rights and good governance education' to be interlinked and integral to promoting and protecting fundamental human rights. Human rights and good governance education that fails to address illiteracy, lack of education resources in local and appropriate languages and overall inadequate basic education among the poor and marginalised, particularly women, excludes the participation of those people whose fundamental human rights are most at risk from poor governance practices.

All human rights and good governance education should be given by local people to be culturally and politically effective. Ideally, ACFOA believes that training should be:

- Context-specific
- Based on local examples
- Locally produced
- Provided in local languages
- Integrated into other development programs and,
- As creative as possible

Furthermore, human rights and good governance education programs must be built on an investment in capacity building of civil society. With a robust civil society able to represent the voice of the poor and marginalised, the tools of governance can work to eradicate corruption and protect human rights. Participatory processes must be structured around community-level discussion, consultation and input through local political and decision-making fora. The role of civic groups in advising and guiding culturally sensitive programs is currently an under-utilised resource, essential in promoting and upholding the principles of human rights and good governance.

Question Two:

It has been suggested that a National Centre for Human Rights Education be established to improve coordination and cooperation. Would ACFOA support such an initiative? What role does ACFOA see such a centre playing in regard to human rights and good governance education?

ACFOA supports the initiative of a National Centre for Human Rights Education. ACFOA would request the following be considered in the mandate of such a proposal:

- Engagement with multilateral and international initiatives to promote human rights
- Participation in regional human rights education programs
- Close collaboration with current human rights research bodies, including academic institutes
- Level of autonomy and independence of such a centre

Question Three:

It has been suggested that the Australian Government host a national policy consultation involving Federal and State government and civil society. Does ACFOA consider this as a valuable initiative? What would ACFOA suggest be the goals of such a policy consultation?

ACFOA welcomes the suggestion of a national policy consultation involving Federal and State government and civil society. ACFOA believes this would be a valuable initiative as part of a holistic approach to engage civil society on issues of promoting human rights and good governance.

Civil society and government are urged to engage in more constructive dialogue on issues of rights and governance. The initiative for such a forum provides an indication of willingness from both constituencies for improved collaboration.

ACFOA believes that such a forum would benefit most from a diverse representation of civic groups not only from Australia, but also from the wider Asia Pacific region. Furthermore it would be suggested that similar overseas consultations and forums on these issues be first examined and evaluated prior to commencing the planning of such a consultation.

Question Four:

The lack of effective human rights education for Federal public sector employees has been raised. Is this something ACFOA has noticed? Is there need for broader human rights and good governance education within Australia?

There is a need to communicate more clearly with the Australian public (including employees of public and private sector and in education institutes) the purpose of human rights and good governance activities. For instance, in the overseas aid program good governance is about fostering political systems that provide opportunities for all people, including the poor and disadvantaged, to influence government policy and practice, and to develop transparent and accountable government that combats corruption. This is in order to achieve equitable and universal provision of basic services, personal safety and security with access to justice for all, and a stable environment for pro-poor economic growth. ACFOA commends to the Inquiry the reference book funded by AusAID, *'The Art of Governance'* as a helpful resource

Question Five:

To what extent do human rights institutions in Australia cooperate in regard to human rights and good governance education? Should they be conducting cooperative ventures such as joint public information campaigns? Does ACFOA consider it necessary to establish a national coordination council for human rights institutions with the aim of fostering increased collective programs to advance the shared objectives of Australian human rights institutions?

Australia is enhanced by the diversity and creativity of many organisations and groups promoting and working in human rights. Mainstreaming human rights is a goal for most of these organisations, an approach strongly supported by ACFOA.

However in the pursuit of a mainstreaming human rights language and principles there is a growing reluctance to 'name' human rights or to advocate for human rights in the terms of the international human rights standards. This has led to a decrease in the knowledge and understanding of how human rights are located within international law, conventions and standards. In essence, the neglect of a promotion to the wider community of where human rights are derived from undermines the objective of mainstreaming such human rights principles.

To address this situation, and for the enhancement of all human rights networks and organisations, ACFOA believes there is a need for greater cooperation between human rights institutions in Australia. ACFOA identifies initial key tasks in improving cooperation as identifying and documenting the 'shared objectives' and collective knowledge of Australia's human rights institutions. Civic groups and networks have started to recognise their potential in collaborating in human rights education programs, and research projects have been undertaken on national approaches to human rights education and advocacy. This initiative has most often arisen from a need to share and stretch limited resources, especially among non government organisations. To best enhance collaboration between Australian human rights institutions resources including financial government support must be made available for collaborative and joint projects.

ACFOA considers that the role of a coordination council for human rights institutions could be very similar to a National Centre for Human Rights Education. Research and consideration should be made into the option of these being one and the same organisation.

Question Six:

It has been argued that the limited 'blueprint' projects are not especially appropriate tools for delivering human rights and good governance education and that phased projects that seek to develop rather than pre-empt objectives, outcomes and indicators would be more suitable. Is there an optimal format or tool for delivering human rights and good governance education? Can you identify any projects or programs in the region that may represent best practice?

AFOA strongly advocates that there is no 'one size fits all' or 'blueprint model' available for successful, sustainable human rights and good governance education programs.

ACFOA believes human rights and good governance education should be incorporated through all aspects of development assistance, rather than as education projects with little or no integration into other programs.

In addition, the poor and marginalised must be placed at the centre of all stages of human rights and good governance education programs. This is the first step away from prescription approaches inherent in blueprint models, towards the involvement of communities in establishing the goals and objectives of their own human rights and good governance programs. 'Phased' projects also address the disparity between *supply* of governance programs and *demand* for good governance practices from within recipient communities, civic groups and governments.

Appendix I outlines current projects in the region that exhibit the elements of addressing basic education, building capacity of civil society and representing the poor and marginalised within development programs

Question Seven:

A number of submissions call for Australia to support a 2nd decade for Human Rights Education. In ACFOA's view what could be achieved with an additional 10 years devoted to human rights education?

ACFOA believes a 2nd decade for Human Rights Education would build on the momentum in human rights education that has only recently emerged. An extension would permit opportunities to be utilised, opportunities that should not be lost simply due to a lack of time.

ACFOA also believes that 2nd decade for Human Rights Education would permit close evaluation of current and previous projects, simultaneous to refining objectives for the next ten years. It is ACFOA's view that extending the decade for Human Rights Education will build the potential for

greater universal human rights promotion and protection with effective outcomes, rather than a rush to stagger across the finish line in 2004.

Question Eight & Nine:

Has the UN Decade been adequately promoted in the Asia Pacific Region by the UN and leading aid donors such as Australia? How does Australia compared to other countries in the region in regards to progress towards achieving the goals of the Decade for Human Rights Education?

ACFOA concurs with the observations of National Committee on Human Rights Education in Submission No. 28 (Supplementary). It is unfortunate that given the position of Australia in the region, greater initiative has not been shown in pursuing and collaborating on regional strategies as part of the decade of Human Rights Education goals.

Question Ten:

Are there any particular trouble hot spots in the Asia Pacific region that require special attention in regard to human rights and good governance education? If so, what should Australia be doing?

Given the diversity of situations in the Asia Pacific region it would be possible to provide comments on almost all Asia Pacific states. However ACFOA would like to draw the Committee's attention to the role for Australia to play in human rights and good governance education in the Pacific.

ACFOA welcomes the commitment from the Australian Government to constructively engage with countries in the Pacific region designated as so-called 'poor performing' states¹. Constructive engagement in the region, including a continued commitment to human rights and good governance education, must be based on the participation of civil society in Pacific states and territories in all aspects of developing and designing education programs. Corruption continues to undermine and threaten progress towards protection of human rights, including the right to be free from poverty. Good governance education programs in the Pacific must develop transparent and accountable government that combats and prevents corruption.

Question Eleven:

Can you provide the committee with further information on the Advisory Council of Jurists?

Note: Information is summarised from the Asia Pacific Forum of National Human Rights Institutes web site.

The Advisory Council of Jurists advises the Asia Pacific Forum and its member national human rights institutions on the interpretation and application of international human rights law. It is through the commitment of the members of the APF to further strengthen the effectiveness and capacity of NHRI in the region with a view to improving the promotion and protection of human rights.

The Advisory Council of Jurists provides members with access to independent, authoritative advice on international human rights questions. Furthermore the Council assists in developing regional jurisprudence relating to the interpretation and application of international human rights standards.

¹ Minister for Foreign Affairs Eleventh Statement to the Parliament in Australia's Development Cooperation Program

The Advisory Council of Jurists welcomes formal submissions and comments from governments, non-government organizations and other interested groups and individuals.

Members of the Advisory Council of Jurists are eminent jurists who have held high judicial office or senior academic or human rights appointments. Each Forum member institution may nominate one national of its own country to serve on the Advisory Council of Jurists. Each member jurist serves a five-year term, which may be renewed once. Members serve in their personal capacity independent of their governments. Members are not able to delegate their functions to any other person.

Current Members

1. **Professor Gillian Triggs (Australia)** University of Melbourne
2. **Justice Jayant Prakash (Fiji)** High Court of Fiji
3. **Mr Fali S Nariman (India)** Bar Association of India
4. **Professor Jacob E Sahetapy (Indonesia)** Forum for Human Rights and Democracy (Surabaya)
5. **Dato' Mahadev Shankar (Malaysia)** Founder member of the Human Rights Commission of Malaysia
6. **Mr Jugnee Amarsanaa (Mongolia)** Legal Retraining Centre
7. **Justice Susan Glazebrook (New Zealand)** New Zealand Court of Appeal
8. **Hon Mr Daman Nath Dhungana (Nepal)** Senior Advocate Supreme Court of Nepal
9. **Mr Sedfrey A Ordoñez (Philippines)** Former Chairman, Philippines Commission on Human Rights
10. **Professor Kyong-Whan Ahn (Republic of Korea)** Seoul National University
11. **Mr Rajendra KW Goonesekere (Sri Lanka)** Supreme Court and Court of Appeal of Sri Lanka
12. **Professor Vitit Muntarbhorn (Thailand)** Chulalongkorn University

Appendix I: Projects and Programs in the Asia Pacific Region

SAVE THE CHILDREN, GOALUNDO BROTHEL, BANGLADESH

Eight years ago Save the Children Australia (SCA) commenced a program to assist women living and working in the brothel to improve their living conditions through the formation of a women's committee and the establishment of a brothel children's school.

More than 1000 women and their 400 children reside in the brothel village of Goalundo in Bangladesh. Previously brothel children had been excluded from the local school and hence received no education. They were socialized to accept 'as normal' the brothel environment from early in their childhood, with many growing up having known no other lifestyle. Living conditions were appalling with no electricity or running water. Local government authorities were known to be involved in bribery and corruption that provided the brothel with alcohol and kept many women as virtual prisoners through exorbitant registration fees for prostitutes.

Adult literacy training was offered to a group of women with literacy success of 50%. 238 women undertook training on leadership, problem solving, decision-making, interpersonal communication, savings, health and child care issues. The women who had received training then trained their peers in the brothel. A Sex Workers' organisation of 796 members with a functioning committee was formed and is the mouthpiece of sex workers.

Taking their claims to the district government the women's committee was able to negotiate for power and running water to be installed in the brothel and latrines built and. A school was set up specifically for brothel children with current enrolment of 50% of the brothel children. Recently children who do not live in the brothel have started attending the school, commencing the process of breaking down the barriers that have previously isolated the brothel residents from interacting and socialising outside the brothel confines.

The children have recently completed a research project where they collected information about what life was like for kids living in a Bangladesh brothel. Through the support of the school the children hosted a conference where they presented their findings. District government representatives attended the conference, receiving the information the children presented.

One resident is now considering running for district election.

Key Issues

- Basic Education was the starting point in the development program.
- Participation of local women in making decisions about their future
- Opportunity was provided for disadvantaged women to hold local and district government's accountable for delivery of basic services
- Basic education for children establishes long-term opportunity to improve lifestyle

OXFAM COMMUNITY AID ABROAD, SRI LANKA: COMMUNITIES DEMAND BASIC RIGHTS

The Sri Lankan Human Rights Advocacy Program began in January 2002, working to equip local communities to deal with human rights violations. This has been achieved through training, setting up regional and national networks working on human rights, designing human rights manuals and leaflets to distribute in the community, and creating a database to record human rights violations. The training programs commenced by providing communities with locally relevant examples of rights violations. Education moved through 3 phases, human rights law and standards, developing understanding of when human rights violations occur and finally moving to documentation of human rights abuses.

The program works in Tamil, Sinhalese and in areas of mixed population. In the new circumstances of peace talks for Sri Lanka the program has continual importance in documenting human rights violations and providing basic human rights education. The program is supported through the AusAID ANCP program.