



The Centre for Democratic Institutions

Submission  
to the Human Rights Sub-Committee  
of the Joint Standing Committee  
on Foreign Affairs, Defence and Trade Inquiry  
into  
*Human Rights and Good Governance Education  
in the Asia Pacific Region*

November 2002

## **CDI at a glance**

CDI's mission is:

*To harness Australian and international best practice in support of developing countries' needs for democratic governance.*

CDI's core work is governance training through short intensive courses for high level officials from developing countries. CDI also does some technical assistance and a limited amount of research.

CDI receives its core funding from AusAID.

CDI works in 4 key sectors:

- parliaments
- the judiciary
- civil society
- the media

with two cross-cutting themes:

- accountability
- human rights

CDI's geographic focus is on Southeast Asia and the Southwest Pacific. CDI's main work concerns parliaments and judiciaries. This submission, however, focuses on the specific work concerning the promotion of human rights.

### **Terms of reference**

The Joint Standing Committee on Foreign Affairs, Defence and Trade will examine:

- the role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development;
- Australia's involvement in human rights and good governance education in the Asia Pacific region identifying achievements and obstacles to further progress;
- the involvement of the UN and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific region; and
- progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education .

## **Introduction**

As an institution concerned with the promotion of democracy through governance training, the issue of human rights is of critical importance in the delivery of CDI's program. The 1993 Vienna Declaration and Plan of Action established the clear link between human rights and democracy when it declared in paragraph 8:

“Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.”

The injunction to the international community to “support the strengthening and promoting of democracy” is an important context for the work of CDI. The link between human rights and democracy is clearly important from a human rights perspective as democracy establishes the political context within which human rights can best be protected. But the corollary is as important. Respect for human rights transforms an electoral democracy into a liberal democracy. The freedoms of speech and assembly alongside the processes of rule of law are key requirements for a properly functioning democracy.

It follows that CDI is keenly interested in promoting human rights as an integral part of democracy. Human rights education is a component of the protection of human rights. Human rights education can be seen in both a narrow and broad perspective. In its more literal and narrow sense it concerns the teaching of human rights norms to the public at large. This aspect encompasses such issues as curriculum development, civics education and tertiary education. It also encompasses research. CDI has undertaken some work in these fields as will be detailed below.

In its broader context, human rights education involves the shaping of a nation's political culture such that respect for human rights is seen as an integral part of the public life of that nation. A culture of respect for human rights will ensure that minority voices are heard, that women are fairly represented, that mechanisms of oversight of government function honestly. A culture of respect for human rights will allow the Opposition and the media to perform its tasks. A culture of respect for human rights will encourage the activism of civil society and thus allow for the full utilisation of a nation's social capital. In this way, electoral democracies transform themselves into participatory, deliberative, liberal democracies. The issue of the quality of democracy is at the heart of CDI's work and contributing to the political culture of the regional nations to broaden respect for human rights as an integral part of the sort of political culture we hope to help shape.

## **Human Rights Treaty Implementation Workshops**

CDI has conducted workshops in Indonesia, Cambodia and the Philippines to assist those countries to meet their reporting obligations under the various human rights treaties to which they are party. In conducting the workshops CDI drew on expert presenters and employed the UNITAR Manual on Human Rights Reporting to ensure that the courses would be fully in keeping with best international practice. For this purpose, coordination with the Office of the High Commissioner for Human Rights was also undertaken.

Among the presenters have been members of treaty committees including Justice Elizabeth Evatt AC and Professor Virginia Dandan, political figures such as former Philippine Justice Minister Sedfrey Ordonez and Cambodian Justice Minister Ok Vithun, leading academics such as Professor Hilary Charlesworth, Professor Robert McCorquodale and Professor Sunaryati Hartono, and experienced practitioners including D.J Ravindran from the Office of the High Commissioner for Human Rights, Ms Aurora de Dios, National Commission on the Role of Filipino Women, Professor Miriam Bujiardo, Chair of KOMNASHAM and Mr Roland Rich.

A feature of these workshops was the decision that they would be conducted jointly for officials of the government responsible for the preparation of human rights reports together with leading figures from civil society to whom the Geneva committees would turn for opinions on the situation in their countries. The combination of these two groups at the intensive workshops proved to be one of their most successful features. The workshops created a forum where officials and NGO leaders could meet, discuss and form working relations.

Another aspect of the conduct of these workshops was the theme that the preparation of reports under the various human rights treaties should not be seen as a mechanical chore of reporting to an international body but should be viewed as an important document reporting to one's own people about the state of human rights in the country. The periodic reports required under the six major human rights treaties create a process whereby a nation can 'take its own temperature' in relation to the promotion and protection of human rights. This demonstrated the need to prepare the report in a context of consultation with affected groups, writing the report in the vernacular as well as in one of the UN languages, using a non-legalistic style that is accessible to a broad segment of the population and publishing the reports in such a way that many people can have access to them. Posting them on the Internet is important and is undertaken by the Office of the High Commission for Human Rights with the website address being made known locally.

These workshops are a practical and focused way of accomplishing an important aspect of human rights education. CDI would be in a position to undertake more such workshops if the Australian Government and regional states parties to the various treaties considered it a useful initiative.

## **Workshop on Teaching Human Rights**

The 'Workshop on Designing and Teaching a Program or Course on Human Rights' is a further example of CDI's commitment to the promotion of human rights. The

Workshop was organised jointly by the Centre for Legal Education based at the University of Newcastle, the Mekong Region Law Centre, and CDI, with generous financial support from the New Zealand Ministry of Foreign Affairs and Trade.

The workshop took place in Bangkok from 21–23 August 2000 and included participants from Cambodia, Laos, Thailand and Vietnam. Dr Sharon Bessell from CDI and Professor Christopher Roper from the Centre for Legal Education facilitated the workshop.

The course designers recognised that in the longer term, the most effective means of promoting human rights is to empower countries, in this case those in the Mekong Region, to undertake educational and training programs themselves. One important element of this is the education and training provided to the region's future lawyers and policy makers in the tertiary institutions of the region, as well as the education and training programs offered to current and future leaders, in both the public and private sectors. By providing a workshop for those who are teachers and trainers, a multiplier effect can operate. This ensures that the benefit of the workshop extends beyond the actual participants to those they will teach and train, both immediately and in the longer-term future. Accordingly, the aim of the workshop was to enable educators and trainers in the region, both in the law schools and in other contexts, to acquire the skills and knowledge needed to design and teach human rights programs.

The Workshop was highly successful with three particularly valuable outcomes. First, at the conclusion of the Workshop each country group had prepared the outline of a course dealing with issues identified as human rights priorities for their respective countries or professional environments. Participants felt well equipped to either implement their course or recommend it for implementation. In all, five courses were developed.

Second, participants had increased their understanding of the key principles for developing training courses and education programmes. The basic skills developed can be applied not only to human rights programmes, but to any form of teaching or training.

Third, at the conclusion of the course participants were in a position to pass on the skills and knowledge gained from the Workshop. This outcome had a dual benefit. First it served to empower participants to train others, thus achieving the aim of the course to produce a multiplier effect. And second it enhanced the long-term impact of the course.

This workshop may provide a good model for further 'train-the-trainers' approaches to teaching human rights in the region. Again, CDI would be pleased to undertake further workshops if this was seen in Australia and the region as useful.

### **Other Human Rights Activities**

Following discussions with representatives of the Centre for Democratic Institutions (CDI) and the Asia-Pacific Forum of National Human Rights Institutions (the Forum), the Government of **Thailand** requested the provision of technical assistance for the

establishment and running of a national human rights commission. At the initiative of the CDI, the Secretariat of the Forum was requested to develop a program for a human rights study tour to Australia for a delegation from Thailand. The Forum is well placed to develop such a proposal because of its expertise in providing advice and support to regional governments that request assistance in the development and establishment of a national human rights institution. The Program was funded by CDI and managed by the Forum.

The delegation consisted of eight people, representing a cross-section of the Thai community including members of parliament, government officials and non-government representatives. The visit was held during 12-21 October 1999. On 6 October 1999 the National Assembly of Thailand passed the National Human Rights Commission Act – obliging the government to establish the new commission within one year. Consequently, this study tour was extremely timely.

The Thailand Human Rights Study Tour concluded with the eight participants looking toward their future responsibilities in the establishment of the human rights commission in Thailand. As a group the eight delegates will be involved in the establishment of a selection committee that will make recommendations to the Thai Government about choosing members of the new commission. The importance of this task highlights the value of involving a 'mixed delegation' on a study tour such as this.

On 2 August 2002 CDI hosted a delegation from the Directorate-General of Human Rights Protection within the **Indonesian** Ministry of Justice and Human Rights. The delegation, comprising five officials, was investigating Australia's governmental efforts at the promotion of democracy and human rights, with a view to promoting democracy and human rights in Indonesia.

Presentations on the Australian human rights 'framework' were made by Roland Rich, Director of CDI; Dr Greg Fealy, Research Fellow in the Department of Political and Social Change at the Research School of Pacific and Asian Studies (RSPAS); and Professor Hilary Charlesworth Director of the Centre for International and Public Law (CIPL) at the Australian National University. The visit was part of the AusAID Indonesian Legal Reform Program Facility, which has as its head in Jakarta, Human Rights expert Peter Thomson.

Questions from the delegation centred around Australia's human rights promotion 'framework'. They were specifically interested in how best to promote the study of human rights, how to encourage centres of excellence in human rights research and advocacy, and how to develop a relationship between government and human rights advocates.

### **Strengthening Civil Society**

As noted in the introduction, participation is a key to developing the quality of democracy. To unlock the productivity of a country's social capital it is critical to find ways of working with and strengthening civil society. CDI has undertaken projects along these lines for Indonesia, PNG, Vanuatu and Solomon Islands.

In March 1999, the Centre for Democratic Institutions undertook our first project specifically targeting civil society. The broad objective of the course was to strengthen the advocacy and policy development skills of **Indonesian** NGO leaders. The course not only offered the Indonesian participants the opportunity to strengthen their own skills, but also to share their experience and knowledge with Australian NGOs. The project was managed by the Australian Council for Overseas Aid (ACFOA), Australia's peak body of non-government agencies working in the overseas development assistance sector and took place from March 14 - 30, 1999. The participants came from numerous Indonesian NGOs from across the archipelago, working on a variety of issues ranging from mining to leprosy. There was equal representation of men and women.

In May 2000 the Centre for Democratic Institutions (CDI) undertook a second Leadership and Advocacy Training Course for Indonesian NGO leaders. The Course was managed and delivered by the Australian Council for Overseas Aid on behalf of CDI, and was supported by the Australia-Indonesia Institute. The 2000 course was a great success, with the participants rating the training program and overall experience highly. In particular, participants felt that the training had resulted in:

- Increased understanding of the democratic process in Australia and the role of NGOs in that process
- A broader understanding of global forces shaping Indonesian society
- An understanding of Australia's parliamentary processes
- Increased knowledge of and ability to use the media
- Experience of how both government and civil society develop policy and enter into constructive policy dialogue
- Greater appreciation of the applicability of international human rights obligations
- A reinforcement of the interdependence of our nations and the importance of friendship and mutual support
- Practical skills for developing the organisational capacity of their respective NGOs

The Leadership and Management Training Course for **PNG** NGOs was held in Australia in March and April 2001. ACFOA was once again granted the management of the training course given that it is the peak organization for Australian NGOs and part of the agenda of the training was to link PNG NGOs with Australian NGOs. This training was followed up with a phase undertaken in-country a short period following the Australian end of the training.

The broad objectives of the course, as outlined in the proposal, were:

- To develop a stronger understanding of the organization structure, policy environment, accountability requirements and ethical principles for NGOs.
- To establish and/or strengthen networks between Australia and PNG NGOs.
- To strengthen coordination among PNG NGOs by assisting them to develop skills in the management of a peak body.

The **Vanuatu** Democracy Learning Circle Training Workshop was held at the Blue Water Resort near Port Vila, Vanuatu on 24-26 October, 2001. The Workshop was organized by CDI in conjunction with John Liu, Director, Vanuatu Rural Development & Training Centres Association (VRDCTA) and Bernie Lovegrove, Program Officer, Asia South Pacific Bureau of Adult Education (ASPBAE) with much appreciated

support from the Commonwealth Foundation. The project, broadly aimed to contribute to the development of an effective and active civil society in Vanuatu. The Learning Circles methodology was chosen because of its emphasis on co-operative 'ground-up' learning and the general transformative strengths of adult education principles. The Learning Circles methodology can basically be summed up as participatory (all should be involved and contribute), and egalitarian (all contributions are valuable).

CDI together with the Asia South Pacific Bureau of Adult Education (ASPBAE) has been working with a group of three PNG civil society groups - HELP Resources (HELP-R), Baua Baua Popular Education Troupe and East Sepik Council of Women - to assist in the design and implementation of an innovative civil society program to disseminate key government publications, related to the promotion of scrutiny and government accountability. The project will prepare, promote and distribute discussion materials, leading to a series of 'learning circles' workshops, following the Vanuatu project model. The project was operative throughout much of 2002.

In 2003, in conjunction with ACFOA and a number of interested Australian NGOs, CDI will develop a process for assisting NGO development in the **Solomon Islands**.

### **Human Rights Research**

Research is a subsidiary but important component of the work of CDI. The research agenda has included works dealing with aspects of human rights.

In recent years, attention has been drawn to the important link between human rights, democracy and good governance. This link is reflected in several recent resolutions of the United Nations High Commission for Human Rights. The Centre for Democratic Institutions has been at the forefront of thinking on the issue and in 1999 commissioned a research paper on the relationship between human rights and corruption. The paper was researched and written by Zoe Pearson of the Law Faculty at the Australian National University. Professor Hilary Charlesworth, Director of the Centre for Public and International Law, Australian National University and CDI, supervised the project.

The paper titled 'An International Human Rights Approach to Corruption' has been published (July 2001) in a book titled *Corruption & Anti-Corruption* edited by Peter Larmour and Nick Wolanin and published by Asia Pacific Press. It also appears in full on the CDI website.

The Director of CDI recently published a paper entitled 'From Solidarity Rights to Solidifying Rights' in the November 2002 issue of *Dialogue* the Journal of the Academy of the Social Sciences in Australia. The essay looks at the international human rights agenda and the key areas where protagonists' energy is currently directed. It is reproduced on the CDI website.

### **Summary Table**

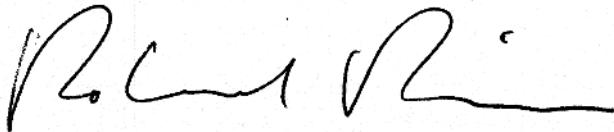
Attached for ease of reference is a summary table of CDI's activities in the human rights and civil society areas. For information on CDI projects in the parliamentary and judicial sectors, please consult the website on <http://www.cdi.anu.edu.au/>



## Recommendations

The recommendations that flow from the foregoing are:

1. That human rights education should form an integral part of democracy promotion activities.
2. That democracy promotion should be seen as part of the promotion of human rights.
3. That Australian projects in this field should work to strengthen the capacity of institutions and individuals in regional countries to deliver human rights training.
4. That reports to Human Rights treaty committees should be drafted in part for the purpose of educating domestic readers about the human rights situation in their countries.
5. That projects working on human rights education in the region should strive to include civil society representatives in their programs of work.



Roland Rich  
Director

**Table 1 Summary of CDI's human rights and good governance education work**

	1998	1999	2000	2001	2002	2003
Cambodia			<ul style="list-style-type: none"> <li>Workshop on Human Rights Treaty Bodies Reporting</li> </ul>			
Indonesia	<ul style="list-style-type: none"> <li>Human Rights Treaty Implementation Workshop</li> </ul>	<ul style="list-style-type: none"> <li>Policy and Advocacy Training for Indonesian NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Leadership And Advocacy Training for Indonesian NGOs</li> </ul>		<ul style="list-style-type: none"> <li>Visit by the Delegation from the Indonesia Directorate-General of Human Rights Protection</li> </ul>	
Papua New Guinea				<ul style="list-style-type: none"> <li>Leadership and Management Training for PNG NGOs</li> </ul>	<ul style="list-style-type: none"> <li>PNG Wewak Citizen's Education Project</li> </ul>	
Philippines		<ul style="list-style-type: none"> <li>Philippines Workshop on Human Rights Treaty Reporting</li> </ul>				
Solomon Islands						<ul style="list-style-type: none"> <li>Solomon Islands NGO Leadership Training Program</li> </ul>
Thailand		<ul style="list-style-type: none"> <li>Thai Human Rights Study Tour of Australia</li> </ul>				
Vanuatu				<ul style="list-style-type: none"> <li>Vanuatu Democracy Learning Circles Project</li> </ul>		
Southeast Asia			<ul style="list-style-type: none"> <li>Workshop on Designing and Teaching Human Rights Courses</li> </ul>			
Research			<ul style="list-style-type: none"> <li>'The Link between Human Rights and Corruption' by Zoe Pearson, published in <i>Corruption and Anti-corruption</i>, Peter Larmour and Nick Wolanin (eds), Asia Pacific Press 2001</li> </ul>	<ul style="list-style-type: none"> <li>Submission to the Parliamentary Subcommittee on Human Rights - the Link Between Aid and Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>'From Solidarity Rights to Solidifying Rights' by Roland Rich in November 2002 <i>Dialogue</i> (Journal of Academy of Social Science)</li> </ul>	