



Submission No 14

Inquiry into Australia's Human Rights Dialogue Process

Organisation: Human Rights and Equal Opportunity
Commission

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Human Rights and Equal Opportunity Commission

Submission

To

**Joint Standing Committee on Foreign Affairs, Defence and
Trade**

Human Rights Sub-Committee

Inquiry into Australia's Human Rights Dialogue Process

June 2004

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Inquiry into Australia's Human Rights Dialogue Process

Background

The Human Rights and Equal Opportunity Commission participates in the Dialogue process in three ways:

- (a) The Minister for Foreign Affairs and Trade invites the President of the Commission to attend the dialogue sessions as a member of the Australian delegation. The President is supported in this role by the Commission's Director of International Programs;
- (b) The Department of Foreign Affairs and Trade invites the Commission to prepare briefing material on particular agenda items for inclusion in the delegation brief; and
- (c) The Australian Agency for International Development invites the Commission to design an annual program of technical cooperation in order to support the Dialogues and to implement that program.

The President of the Commission has attended all Dialogues (excepting the Iran Dialogue) since 1999, and has led the China HRTC design team every year since 1999.

The Commission's Director of International Programs has attended all Dialogues since 1999, has participated in the design of all the human rights technical cooperation activities that underlie and support the Dialogues and has managed the implementation of all the Dialogue-related technical cooperation activities.

(a) Attendance at Dialogues

The Commission was not invited to attend the 1997 or 1998 Dialogues with China. It has been invited to attend and has attended all Dialogues since.

The Commission views the Dialogues as activities of the Executive and recognises that as an independent statutory body its role in the Dialogues is limited. The Commission is not involved in setting the agenda or in deciding on the strategy to be followed. While it feels free to make recommendations – and has done so on an informal basis – it recognises that it is up to the Executive agencies responsible for the Dialogues to set the agenda and the strategy.

It should be noted that the Executive Government has placed no conditions on the involvement of the Commission. The Commission's representatives at the Dialogues have always felt free to make their views known and to participate fully in the Dialogues. On occasion this has resulted in the Commission taking and presenting to the Dialogue partners a view on Australian policy and practice or on the desirability of changes in the Dialogue partner's policy and practice that differs from the views of the Executive Government. The Executive Departments have not voiced criticism of the Commission for taking a different position and, in fact, the delegation leaders

seem to have found this approach valuable in demonstrating to the Dialogue partners that pluralism is respected in Australia.

(b) Preparation of Briefing

The Commission provides briefing at the invitation of the Department of Foreign Affairs and Trade (DFAT) on subjects nominated by DFAT. On some of these subjects the Commission's views are at variance with those of the Executive Departments. The views often vary to the extent that it is not possible to arrive at a common position that properly reflects the views of the Commission and of the relevant Executive Departments. DFAT tends to deal with this variance of view by incorporating the Commission's briefing in a separate section of the brief.

In any event, the Commission's briefing focuses on Australian domestic issues – HREOC's area of responsibility - and as these issues are seldom raised by the Dialogue partners (and when raised the subtleties are not generally appreciated by the interlocutors) the differences in briefing is generally of no importance in terms of Dialogue discussions.

(c) Technical Cooperation

(i) China

The Human Rights Technical Cooperation Program with China has been designed by the Commission and implemented by the Commission annually on a fee for service basis. The design process is separate from the implementation process but in every case the Australian Agency for International Development (AusAID) has invited the Commission to manage both processes.

Since 1999 the Design process has been initiated by an annual Program Review and Planning Mission led by the President of the Commission. The small team includes the Commission's Director of International Programs and one or two outside experts. This team agrees on the objectives and the general design of activities to be undertaken each year with Chinese cooperating organisations. These activities are then submitted to the Dialogue meeting for approval by the two Governments.

Once approved and once the Commission and AusAID have entered into a Record of Understanding, the Commission's International Programs Unit negotiates final design and implementation details with each of the Chinese cooperating organisations and manages the implementation of the program.

A brief description of the program and of some of its activities is attached to this submission.

(ii) Vietnam

In 2003 AusAID invited the Commission to design and implement an initiating human rights Dialogue-related activity involving a number of agencies of the Government of Vietnam. This activity was successfully completed in July 2003. An extract from the Completion Report for the activity is attached to this submission.

As far as the Commission is aware the Executive Departments have not followed up the initial activity proposal. Despite the Commission's periodic suggestions they have not seemed enthusiastic about commencing an ongoing program of technical cooperation specifically targeted at human rights with Vietnam (distinct from more general programs targeted at governance, public sector management or legal reform).

(iii) Iran

In 2003 the Department of Foreign Affairs and Trade invited the Commission to design and implement an initiating human rights Dialogue-related activity involving the Islamic Human Rights Commission of Iran. This activity was successfully completed in August 2003. An extract from the Completion Report for the activity is attached to this submission.

There appears to be little enthusiasm amongst the Executive Departments at this time for a program of technical cooperation with Iran and the Commission is not aware of any follow-up to this activity.

Response to the Terms of Reference

Parliamentary participation and oversight

The late Peter Nugent, MHR was an enthusiastic participant in the human rights Dialogues with China. Other members of Parliament, notably Senators Bourne and Payne, have attended sessions of particular Dialogues, but there has been no systematic participation at Dialogues by members of Parliament. The Commission is not aware of Members of Parliament having been involved in Dialogue planning or strategy.

The question of whether Parliament should be involved in the Dialogue process is one that this Committee may be interested in perusing. Without Parliamentary involvement it prevents the Dialogues themselves (as distinct from the technical cooperation activities) from moving much beyond exchanges between Executive Departments. Parliamentary participation may help lift the Dialogues more towards exchanges between nations and would add an element of Parliamentary oversight. and may improve the creditability of the Dialogue process

There is however the issue of equality between the parties. If Australia is to have political representatives in the delegation, it is appropriate for the dialogue partner to have representatives of similar status and it may be that the dialogue partners do not wish to elevate the Dialogues to that level. The Commission is not aware of any discussions between the Governments concerning Parliamentary representation.

Involvement of Non-Government Organisations

There is already a small degree of involvement by non-government organisations, mainly through the efforts made by DFAT to seek the advice of NGOs prior to Dialogues and to raise those issues of concern to NGOs. More could be done to involve NGOs in the Dialogue process, however it should be noted that while most

NGOs would be acceptable to Dialogue partners there would be some that may be completely unacceptable as direct interlocutors. If a Dialogue partner rejected the presence of a particular NGO it could jeopardise the Dialogue process.

Many Australian NGOs have knowledge and expertise in the policies and practices of Dialogue partners that would enhance the knowledge and expertise of the Executive Departments. At best this could facilitate a more fruitful engagement, although even in the best-case instance it would likely change the nature of the Dialogues and could discomfit both the Executive departments and the Dialogue partners. At worst, the direct involvement of NGOs could make the Dialogues unmanageable and unfruitful.

A middle path here might be to incorporate some more focused briefing sessions between the Executive departments and NGOs – perhaps even a strategic planning exercise – and a more comprehensive debriefing by the Executive Departments of the NGOs. Although DFAT regularly places the Dialogues on the agenda for its semi-annual ‘roundtable’ meeting with NGOs, and it appears that the Department make a genuine attempt to provide the NGOs with an honest assessment, many NGOs have expressed the feeling that the debriefings are inadequate.

The Commission has a standing offer to debrief any interested NGO on the technical cooperation programs conducted by the Commission over the past few years has conducted three sessions for interested NGOs. While all of the participants have indicated that the sessions are useful, and despite the Commission regularly renewing the offer, the level of interest seems low. The Commission also has a standing offer to respond to *ad hoc* queries, whether by letter email or telephone. The level of inquiry is very low indeed, with interest in the technical cooperation program amongst Australian NGOs being far outweighed by the interest of international human rights academics and researchers, who seem to discern a pioneering quality in the program.

Roles and obligations of participating agencies

With the exception of the Commission on occasion a Parliamentarian, and, in the case of the Iran dialogue, a judge of the Federal Court, all of the participants have been public servants employed by Executive departments. As indicated above, the Commission recognises the process as an Executive process and although the Commission’s contribution is consistent with its position as an independent statutory agency, the process is driven by the priorities of the Executive.

It would seem to the Commission that each of the Executive agencies sees its role as being two-fold: firstly, to report to the Dialogue on its own programs and policies in a given area of interest, and; secondly, to defend those programs and policies. For the most part inquiry into the practices and policies of the Dialogue partner are made by DFAT or by the Commission’s President. Except for some interested individuals within some departments, Australian agencies, including the Commission do not have sufficient expertise to closely question Dialogue partners on their policies.

The Commission’s multiple roles have been mentioned above. In the Dialogue sessions themselves the Commission provides its own views as to the performance of the Australian government in addressing human rights issues, participates in questioning and discussion and provides some expert advice.

Reporting requirements and mechanisms

The Commission is not involved in reporting on the Dialogues themselves and is not familiar with the mechanisms used by the Executive departments to report on their participation or on the outcomes.

The Commission reports extensively on the technical cooperation programs. For each activity the Commission prepares a comprehensive Completion Report which describes and evaluates the activity against its objectives. An extract from the Completion Report on an activity conducted with Vietnam is at Attachment 2 and a similar extract on an activity conducted with Iran is at Attachment 3.

In the case of China, in addition to individual Completion Reports, the Commission prepares brief Monthly Summary Reports on the progress of each activity within the program and comprehensive Periodic Reports (approximately quarterly) on the overall program. Each year it prepares a Program Completion Report on the previous year's program (an extract from the 2002-2003 Program Completion Report is at Attachment 4) and a Program Review and Planning Mission Report, which both reviews the previous year's program and outlines the forthcoming year's program. Typically the reporting will each year comprise some 30 reports and total hundreds of pages of text.

These reports are provided to AusAID and a small amount of information from them is placed on the websites of AusAID and DFAT.

Monitoring and evaluation of outcomes

The Commission is not involved in monitoring or evaluating the Dialogues themselves and is not familiar with the mechanisms used by Executive departments to assess the outcomes of the Dialogues. The technical cooperation program is extensively and continuously monitored. The monitoring regime incorporates face to face discussion between program management and each of the cooperating agencies each quarter and an annual review and planning mission.

The technical cooperation programs are formally evaluated against their stated objectives, both at the individual activity level and (in the case of China) annually at the program level. Attachments 2, 3 and 4 to this submission include evaluation-related extracts from Commission reports.

Attachment 1: Activities with China

Edited Extract from:

“China-Australia Human Rights Technical Cooperation Program Background Information”

In August 1997, following discussions between Premier Li Peng and Prime Minister John Howard, China and Australia initiated a high level dialogue on human rights. During the course of the initial dialogue it was agreed that the two countries would undertake a program of technical cooperation aimed at strengthening the administration, promotion and protection of human rights in China. Subsequent rounds of the annual human rights dialogue have noted the success of the activities sponsored under the technical cooperation program and endorsed further activities intended to consolidate and extend the achievements of earlier activities.

The activities, known collectively as the Human Rights Technical Cooperation (HRTC) Program, are each of small scale and generally of relatively short duration. While the program as a whole is intended to have a long-term impact across Chinese society, each activity focuses on an organisation and a sectoral area where it is possible to have an immediate impact on a specific aspect of human rights in China. The design of the program recognises that its overall impact is likely to be modest and that substantial change is likely to come slowly. However it is implicit in the design of all activities that they have a direct impact and that they foster and sponsor longer term contact between Chinese and Australian individuals and organisations. HRTC activities focus on three main theme areas:

- (i) legal reform,
- (ii) women’s and children’s rights; and
- (iii) ethnic and minority rights.

Each activity is designed and implemented through a cooperative venture between the Human Rights and Equal Opportunity Commission (HREOC) and a particular Chinese organisation.

On the Australian side, the human rights dialogue is managed by the Department of Foreign Affairs and Trade and the Australian contribution to HRTC is provided through the Australian Agency for International Development (AusAID), the Australian Government’s development cooperation agency. AusAID has entered into a Record of Understanding with HREOC to manage the overall implementation of HRTC. HREOC works directly with the Chinese counterpart agencies and with the Australian specialist agencies and individuals that participate in particular activities.

On the Chinese side, cooperative relationships leading to the implementation of particular activities have been formed with the Ministry of Foreign Affairs (the lead counterpart organisation), the Supreme People’s Procuratorate, the Supreme People’s Court, the National Judges College, the State Ethnic Affairs Commission, the Ministry of Justice, the Ministry of Public Security, the Chinese Academy of Social Sciences and the All-China Women’s Federation. Consultations with the National

Population and Family Planning Commission, the All-China Youth Federation and other agencies have also taken place with a view to their future involvement in the program.

A significant trend in the HRTC Program has been the increasing geographical spread of its activities. In the early days, most HRTC activities were concentrated in the capital and surrounding regions. Over time, efforts have been made to spread the benefits of the program more widely, through the implementation of training programs and other activities in provincial locations.

HRTC is a concrete manifestation of the commitment of the two Governments to work towards improvements in the administration, promotion and protection of human rights in China. Individual activities focus on practical measures to achieve these ends. The entire program is fundamentally underpinned by the view that by working together and by exchanging views and approaches, the most effective elements of human rights protection, promotion and administration will develop and prosper.

The achievements of HRTC have been recognised by other international donors. For example, the Office of the UN High Commissioner for Human Rights (OHCHR) has acknowledged the contribution made by HRTC to the development of a human rights consciousness amongst Chinese officials working in particular sectors.

Previous Activities

Since the initial dialogue the program has grown and developed from general introductory style activities to more closely targeted activities. Some examples of previous activities are described below.

Postgraduate scholarships

Scholarships for postgraduate studies in human rights related disciplines at Australian universities have been granted to officials from the Ministry of Foreign Affairs of China. The program provides for two scholarships to be awarded each year. Most of the students have undertaken master of laws programs with an emphasis on human rights subjects. HRTC students have attended the University of New South Wales and the University of Melbourne.

The objective of this activity is to expand and strengthen the understanding of human rights and the related domestic issues among Chinese officials working in a key government agency directly concerned with human rights issues.

Judicial Cooperation

Judicial cooperation under HRTC has focused principally on two PRC agencies, the National Judges College (NJC) and the Supreme People's Court (SPC). Over time, cooperative activities with the NJC have moved from a standard lecture format introducing broad themes to a more practical training format focusing on specific topics relevant to the protection of human rights in the context of judicial practices. Australian participants have included the former Chief Justice of Australia, Sir

Anthony Mason, Justice Sir Daryl Dawson of the High Court, Chief Justice Spigelman of the NSW Supreme Court and other judges from the Supreme Courts of Victoria and Queensland and the Federal Court.

Civil Society Seminar

In September 1999 a seminar held in Beijing brought together a number of Australians prominent in human rights promotion and protection and Chinese nationals with similar responsibilities. Participants, who included NGOs, academics, officials and social commentators, discussed the concept of civil society and the role of government and non-government organisations in the development and implementation of social policy. On the Chinese side participating organisations included the China National Committee on Aging, the All China Youth Federation, the China Disabled Persons Federation, the All-China Women's Federation, the Chinese Academy of Social Sciences and the Ministry of Foreign Affairs.

Mass Communication Law and Freedom of Expression

The Chinese Academy of Social Sciences (CASS) has translated into Chinese a series of key western books and articles on freedom of expression and mass communication law. This activity was undertaken with a view to encouraging debate on the issues and development of an institutional framework for the protection of freedom of expression. It was also intended to assist CASS to formulate recommendations and draft legislation incorporating freedoms into mass communication law.

Human Rights Reporting Training

In September 1999 an introductory seminar on the reporting requirements of the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Social, Economic and Cultural Rights* (ICESCR) was conducted in China by officers of the Attorney-General's Department and the Department of Foreign Affairs and Trade. Further activities aimed at assisting the Chinese authorities to prepare and present their reports under ICESCR were held in May 2000 and in July 2002.

Workshops on Family Violence and Minority Women

Officials from the All-China Women's Federation and the local women's organisation in Xining, Qinghai Province, visited Australia in November 2000 to examine strategies for addressing family violence faced by minority women. This activity included planning a subsequent workshop which was held in Xining in May 2001. That workshop was conducted in partnership with the All-China Women's Federation and the Qinghai Provincial Women's Federation. The Xining workshop in May 2001 was attended by 49 Chinese participants from a range of local organisations relevant to the issue of family violence. Presentations were given by both Chinese and Australian experts, the latter comprising a senior magistrate from Penrith Local Court in NSW and representatives of the Domestic Violence Advocacy Service of NSW, the NSW Women's Refuge Resource Centre and the NSW Police Service. The main outcome of the workshop was a proposal for the establishment of a local policy on family violence. In addition, the Deputy Governor of Qinghai Province announced

that as a follow-up activity from this workshop the provincial Government would launch a new Campaign on Violence Against Women.

A further workshop on family violence was held in Xining in July 2002. The workshop involved presentations by Chinese and Australian experts as well as informal discussions, in both plenary and in smaller groups. The Australian presenters included a Senior Magistrate from the Family Violence Court in South Australia, a Domestic Violence Liaison Officer from the Victorian Police Service, the Coordinator of the Domestic Violence Advocacy Service of NSW and the Coordinator of the Central Violence Intervention Program of South Australia. The workshop was attended by approximately 60 Chinese participants working in relevant areas including courts, police, local government and community organizations. This workshop built on the achievements of the 2001 Xining Workshop by developing practical strategies and proposals to implement the local policy on family violence.

The July 2002 workshop was part of a multi-stage project on domestic violence undertaken by the All-China Women's Federation. Other stages implemented under that project included line surveys and focus groups to ascertain the level of public awareness of domestic violence issues. In addition, the All-China Women's Federation advised that HRTC has provided impetus for domestic violence initiatives implemented under the ACWF's own work program, including various local training and awareness raising activities.

The longer term objective of these activities is to strengthen the capacity of the All-China Women's Federation to deliver effective and culturally specific assistance through provincial level operatives to minority women experiencing domestic violence.

Trafficking of Women and Children

Cooperation on anti-trafficking in women and children is being undertaken with the All-China Women's Federation and its provincial branches. A multi-stage project on anti-trafficking is being implemented in the provinces of Guizhou and Sichuan. The objective of the project is to enhance the capacity of the All-China Women's Federation and the women's federations of Guizhou and Sichuan to combat trafficking in women and children. The project comprises a number of stages including initial workshops and training courses for social sector workers and organisations, baseline surveys to establish social awareness of trafficking issues, awareness raising activities aimed at specific target groups and development of advocacy materials. The ACWF is also preparing to undertake a study of international best practice in information gathering and advocacy on anti-trafficking, focusing particularly on experience in the South East Asian region.

The anti-trafficking project commenced with an introductory workshop held in Guiyang City, Guizhou Province, in April 2002. The workshop introduced participants to some key concepts in trafficking, examined the causes of trafficking, identified various manifestations of the problem and considered a variety of strategies for combatting trafficking in both provinces. Recognising the diverse range of authorities that are affected by trafficking in women and children, the 60 Chinese participants included officials from a variety of organisations in each province. This

included representatives of the local level Public Security Bureau (PSB), Department of Labor and various academics.

A second anti-trafficking workshop was held in Chengdu City, Sichuan Province, in April 2003. The workshop was hosted by the Sichuan Provincial Women's Federation. There were approximately 80 Chinese participants at this activity. They included representatives of the ACWF in Beijing, Provincial Women's Federation representatives from Guizhou and Sichuan, and county level Women's Federation members. The ACWF also arranged for representatives from the local level Public Security Bureau (PSB), Department of Labour, prosecutors and academics to attend the workshop. This wide attendance helped ensure a cross-portfolio discussion of all the relevant issues. The Australian team was led by Ms Pru Goward, Sex Discrimination Commissioner, and included the Director of 'Project Respect' an Australian NGO dealing with trafficking issues. This activity built on the previous introductory anti-trafficking workshop by exploring issues in greater depth and with a view to formulation of solutions for implementation in the two provinces.

During the second half of 2003, follow-up training activities were held at the township level in Sichuan and Guizhou. The aim was to entrench the knowledge gained in the previous activities at a more local level and among a wider range of officials. Township level workers were given training in practical anti-trafficking measures. The training was implemented by the ACWF and the provincial women's federations of Sichuan and Guizhou, with funding assistance under HRTC but no direct Australian participation. The two training activities were held in Chengdu City on 1-5 September and Guiyang City on 15-18 September 2003. The workshops involved 50 and 60 participants respectively, including representatives of local women's federations and other agencies such as courts and public security bureaus.

Provision of Legal Aid Services

Cooperation in this area has been with the National Legal Aid Centre in the Ministry of Justice, which has responsibility for coordinating the provision of legal aid services nationally in China. This cooperation has involved a number of stages which may culminate in a pilot program in China for the delivery of legal assistance to the poor. The first stage was a mission to Hubei Province in May 2001 by representatives of the Kingsford Legal Centre of the University of New South Wales, to examine the conditions and circumstances of legal aid services in that province. The second stage was a visit to Australia by legal aid officials from Hubei Province as well as the National Legal Aid Centre in August 2001 to examine Australian models for provision of legal aid services. That visit was coordinated by the Kingsford Legal Centre and included meetings with the NSW legal Aid Commission, the Federal Attorney General's Department, private legal firms and a wide range of specialist and generalist community based legal centres. During that visit, there was also discussion of a possible future pilot program on legal aid, based in China and drawing upon both Chinese and Australian expertise.

Correctional Administration Reform

In April-May 2000 twelve officials from China's Ministry of Justice (the agency responsible for prison administration) visited Australia to study methods by which the

protection of human rights can co-exist with correctional regimes. The activity introduced the officials to a variety of practical measures to support the protection of the rights of prisoners, with particular attention to the protection of the rights of juveniles and women.

Subsequent activities in the areas of corrections have been directed to more in-depth training of prison officials, undertaken in partnership with China's Central Educational Institute of Prison Police Officers, the Ministry of Justice's training institute. In March 2002 seven representatives of the Ministry of Justice and the Central Educational Institute of Prison Police Officers undertook a two week visit to Australia to design a training program for delivery in China. During that visit they spent one week at the Corrective Services Academy of the NSW Department of Corrective Services, the organisation responsible for training of prison officers in New South Wales. The week included formal presentations and visits to correctional facilities. The other week of their visit was spent with other relevant agencies including the Department of Juvenile Justice. Using these observations, they also engaged in the planning and design of the training program to be delivered to correctional officers in China.

That training program was subsequently held in May 2002 at the Central Educational Institute of Prison Police Officers, in Baoding City, Hebei Province. Training was delivered to 219 officers comprising both undergraduates (68) and postgraduates (151). The Australian team consisted of trainers from the NSW Corrective Services Academy. Topics covered in the Australian presentations included the systems for training and professional development of correctional officers, disciplinary procedures for inmates, education and work programs in prisons and other programs to assist prisoner rehabilitation. Presentations demonstrated the system of "case management" which includes development of case plans to address in a holistic way the individual needs and requirements of prisoners.

In March 2003 a further activity on correctional reform was undertaken. It involved a two week visit to Australia by ten officials from key areas of responsibility within the Ministry of Justice including the Central Educational Institute of Prison Police, prison management, human resources management and international cooperation. An official from the Ministry's Re-Education Through Labour Administration Bureau also attended. As with the earlier activities described above, the main Australia input was provided by the NSW Corrective Service Academy. This activity built on previous workshops by exposing a further group of senior officials to strategies for protecting the rights of prisoners and considering options for future cooperation.

Criminal Procedure Training

This work has been undertaken in cooperation with the Supreme People's Procuratorate, the highest prosecutorial agency in China, with wide powers in relation to arrest, investigation and other areas of criminal procedure. A seminar on Human Rights Protection in Criminal Procedure was held in Zhengzhou, Henan Province in June 2000. The primary objective of that seminar was to provide the Supreme People's Procuratorate with a broad knowledge of rule of evidence and criminal procedure, combined with a practical understanding of how these rules and procedures can operate to protect the human rights of persons accused of crime. The

activity was also designed to assist work towards developing codified rules of evidence for use in the Chinese judicial system. It involved presentations by Australian experts with practical experience in these areas, including the NSW Director of public Prosecutions and a Justice of the Supreme Court of Victoria.

Subsequent to the above activity, officials of the Supreme People's Procuratorate visited Australia in April 2001 to examine Australian law and practices in key areas of criminal justice procedure. During this visit, they also identified three priority areas for further training and commenced the design of training workshops in those areas. The three areas identified were i) Rules of Evidence; ii) Preparation and Presentation of the Prosecution Case; and iii) Juvenile Justice.

The first in this series of workshops was held in Chengde, Hebei Province in August 2001. This workshop dealt with rules of evidence and built on the earlier workshop in Zhengzhou (above) with a more detailed and focused examination of specific evidentiary rules and procedures. The Australian presenters included representatives of the Office of the NSW Director of Public Prosecution and the Victorian Bar.

The second in the series of workshops was held in Chengdu, Sichuan Province in June 2002. The Chinese participants comprised approximately 100 procurators representing the prosecution services of eight provinces, three autonomous regions and two municipalities. The Australian presenters were from the Office of the NSW Director of Public Prosecutions. The workshop addressed a variety of issues central to protection of human rights in the preparation and presentation of the prosecution case. Topics included the role and responsibilities of the prosecutor; the discretion to prosecute; summary and committal proceedings, disclosure of evidence and case management

In November 2003 a team of senior SPP officials visited Australia. The delegation was led by the newly appointed Deputy Procurator-General, whose responsibilities include HRTC activities. The objective of this activity was to provide the Deputy Procurator-General and other senior procurators with an understanding of the Australian approach to criminal law reform and the protection of human rights, with a view to identifying opportunities for a more comprehensive program of cooperation under HRTC. The main part of their visit was spent working with the Office of the NSW Director of Public Prosecutions and included presentations by Australian prosecutors and observation of court proceedings.

Ethnic and Minority rights

Cooperation on minority rights has been undertaken primarily with the State Ethnic Affairs Commission (SEAC), although these issues have also been included in work with other PRC agencies. SEAC is the government agency with principally responsibility for ethnic minority issues in China. SEAC works through a hierarchy of provincial and local minority affairs commissions. It oversees the drafting of policies and regulations on minority issues, carries out inspections and promotes and implements minorities policies.

In June 2000 a Symposium on Minorities Nationalities Issues was held in Lanzhou, Gansu Province. The Australian participants included Dr William Jonas, Aboriginal

and Torres Strait Islander Social Justice Commissioner and Race Discrimination Commissioner, the Chairman of ATSIC, the Executive Director of the Kimberley Land Council and a number of other indigenous leaders. The 47 Chinese participants included 32 from 10 identified minority groups and 15 from the majority Han. The symposium consisted of three days of formal presentations and two days of consultations with the ethnic minority peoples of the Linxia Huixu Autonomous Prefecture in Gansu Province. Particular emphasis was given to issues concerning the delivery of culturally appropriate education and health care to minority people. The objective of this activity was to introduce the subject of minority rights into the HRTC program and to expose Chinese authorities working with minority peoples to Australian experience in these areas.

In February–March 2003 a further activity was undertaken in cooperation with SEAC. Eight officials from SEAC's central office in Beijing and several provincial ethnic affairs commissions undertook a two week study visit to Australia. This activity focussed specifically on education and built on the previous activity by examining this area in greater detail. The objective of the activity was to familiarise SEAC with the Australian approach to policy development in relation to the delivery of education to indigenous and ethnic minority groups. The longer term aim was to assist SEAC in its role of developing policy for delivery of education to minority populations in culturally appropriate ways. During their visit the group met with a variety of Australian organisations working in this field. They included the Commonwealth, New South Wales and Northern Territory Education Departments, the Centre for Appropriate Technology in Alice Springs, the Australian Institute of Aboriginal and Torres Strait Islander Studies, Batchelor Institute of Indigenous Tertiary Education in Darwin, Ludmilla Primary School in Darwin, Tranby Aboriginal College in Sydney and Cleveland Street Intensive English High School, Sydney. Priority areas examined in this activity included: ensuring access to compulsory education; maintaining minority students in compulsory education; improving access to higher education, particularly for females; and providing culturally appropriate education, including bi and trilingual education.

Police Ethics and Accountability

Cooperation in this area has been with the Ministry of Public Security, the agency responsible for police services. Within the Ministry, the focus has been on the Department of Discipline and Supervision, which is responsible for the maintenance of ethical standards on the part of police.

Six officials from the Ministry of Public Security visited Australia in December 2000 to examine structures and procedures for ensuring that police officers maintain appropriate ethical standards when carrying out their duties and are fully accountable for their actions. While the bulk of the program was devoted to sessions with the Australian Federal Police, there was also involvement by the New South Wales Police Service, the Commonwealth Ombudsman, the New South Wales Ombudsman and the Police Integrity Commission.

The visit was also used to design a workshop on police ethics and accountability, which was held in Shenyang in Liaoning Province in May 2001. The workshop involved 30 Chinese police participants from a variety of provinces plus 60 other

observers. The Australian experts comprised representatives of the Australian Federal Police. The workshop examined the issue of police ethics and accountability from a human rights perspective and examined both Australian and Chinese models for the supervision of police conduct.

The longer term objective of these activities is to strengthen the capacity of the Ministry of Public Security to maintain ethical standards and accountability in the performance of its functions.

Overall Program Attributes

There are numerous other activities that have been or are being implemented under HRTC. Together these activities touch on a very broad expanse of Chinese human rights activity. Despite its relatively modest size the program is both vertically extensive in that it works at many levels within Chinese society, and horizontally extensive in that it crosses many sectors. This has not prevented the program from establishing clear themes and common attributes for all activities. These include:

- all activities are underpinned by the belief that cooperation is the key to progress;
- each activity involves working directly with a key Chinese organisation in a position to effect practical change;
- each activity attempts to bring to bear the ‘best’ Australian expertise and practice; and
- each activity incorporates objectives on two levels: immediate, albeit modest, impact and longer term change.

Attachment 2: Activity with Vietnam

Edited Extract from:

“Government of Vietnam: Study Tour to Australia Completion Report”

Background and context

This activity consisted of a visit to Australian by a group of ten officials of the Government of Vietnam (GOV). The activity arises from the initial *Australia-Vietnam Dialogue on International Organisations and Legal Issues, Including Human Rights* held in Hanoi on 27-28 May 2002 and follows on immediately from the second Dialogue held in Canberra on 27 June 2003.

Objective of the activity

The objective of this activity is to enable officials of the Government of Vietnam to become familiar with the methods used and the institutional structure in Australia for the promotion and protection of human rights and for Australian officials to become familiar with the human rights priorities of the Government of Vietnam. It is intended that this knowledge will allow both parties to realistically assess the possibilities for future technical cooperation in human rights promotion and protection.

The activity is intended to work towards identifying the human rights priorities of Vietnam and the capacity of Australia and Vietnam to work together to better pursue those priorities.

Cooperating Partners

The GOV, through its Ministry of Foreign Affairs (MFA), coordinated the visit and the selection of Vietnamese participants.

The Government of Australia, through its Department of Foreign Affairs and Trade (DFAT), managed negotiations with the GOV and arranged for international travel to Australia. The Australian Agency for International Development (AusAID) provided international technical cooperation expertise and provided funding for the visit. The visit was arranged and managed by the Human Rights and Equal Opportunity Commission (HREOC). Many Australian organisations provided time and resources.

Vietnamese Participants

The Vietnamese delegation consisted of ten members led by Mr Pham Binh Minh, the Acting Director, International Organisations, Ministry of Foreign Affairs (MFA). In addition to MFA officials it included participants from the Ministry of Justice, the Ministry of Public Security, the Committee of Ethnic Minorities and Mountainous Areas and the Supreme People’s Court.

Australian Participants

The delegation met with the following organisations:

- (a) Human Rights and Equal Opportunity Commission
- (b) Australian Law Reform Commission
- (c) Judicial Commission of NSW
- (d) Public Interest Advocacy Centre
- (e) Administrative Decisions Tribunal
- (f) Kingsford Legal Centre
- (g) Australian Human Rights Centre
- (h) Diplomacy Training Program
- (i) NSW Council for Civil Liberties
- (j) NSW Police
- (k) Corrective Services Academy
- (l) Department of Corrective Services

Evaluation

Framework for evaluation of the activity

In evaluating this activity, two perspectives need to be considered – the short term and the long term outcomes. The short term evaluation relates to the immediate stated objective of the activity, which was agreed prior to the commencement of the activity. That is, to provide the Vietnamese officials with some familiarity with the methods and institutions in Australia for the protection and promotion of human rights.

The longer term evaluation relates to the longer term and un-stated objective to introduce the idea that actions to promote and protect human rights represent practical responses to practical problems. The longer term intention is to move human rights into the “comfort zone” of Vietnamese officials - to remove the rhetoric of human rights and to demonstrate that far from being dangerous or threatening, the protection of rights actually assists officials to carry out their functions effectively and efficiently.

Composition of the Vietnamese group

The individual Ministries were appropriate for an introductory activity, although it would have been better to have had a wider representation. In particular it would have been advantageous to have had the prosecution service represented. HREOC is not familiar enough with the structure of Vietnamese society to judge whether it would have been desirable to have had civil society organisations represented.

The gender balance was about what might be expected for visits of this nature. Three of the ten participants were women, but only one of these was senior. In any future activities the need for a more equal gender representation needs to be impressed on the GOV authorities.

Planning issues

The program was affected by timing difficulties caused by the apparent reluctance of Vietnam to advise HREOC of the Ministries and the officials that would be involved in the activity. The names and Ministries were not advised to DFAT until 20 June and to HREOC until 23 June, just six days before the activity commenced. In some cases the wish of the Vietnamese group to visit specific sites/organisations was not known to HREOC until the activity had already commenced. However, this was alleviated to some degree by HREOC's standing in the Australian human rights community and the consequent willingness of Australian participating organisations to accommodate the delegation at very short notice.

Program content

The program served to provide an introduction to human rights in Australia, with discussions with many organisations interested in the promotion and protection of human rights. The executive government, the legislative government, the judiciary, semi-government and non-government organisations were all represented, giving the group a good cross-section of the methods and devices by which human rights are protected in Australia.

On the first day of the program HREOC officers gave the delegation introductory presentations to provide the Australian context on these issues. This included presentations on the Australian constitutional and legal system and human rights law in Australia. It also included briefings on HREOC's work in complaint handling, media and public education, indigenous issues, women's rights and legal advice and intervention. Subsequent days involved visits to external organisations.

The program included a mix of presentations / discussions and practical observations. As regards the latter, the highlight was the extensive tour of a prison facility, described in more detail below.

Independent organisations featured prominently in the program. The concept of independence was discussed in detail and the group saw many examples of the unique role independent bodies play in monitoring and scrutinising government activity.

The program gave the delegation some insights into the ways in which non-government organisations contribute to the protection and promotion of human rights. The delegation saw how NGOs can play an invaluable role in bringing issues of human rights concern to the attention of governments and contributing to law reform and policy development.

Access to justice was also a central theme in the program, particularly in meetings with organisations that have a complaint handling role. Discussions canvassed various strategies for ensuring that the disadvantaged are able to access the legal system on an equal basis with other members of the community and have their concerns dealt with in a fair and expeditious manner. This included discussion of *pro bono* legal services by private law firms and also community based legal centres.

Balancing the competing interests of national security and individual rights was also a frequent topic of discussion. This arose in a number of meetings, in the context of the current debate in Australia (and internationally) on the erosion of civil rights in the heightened security environment post September 11.

The only disappointing aspect of the program was that it did not include meetings with organisations that deal specifically with corruption, a subject of some interest to the delegation. Unfortunately, requests for meetings with the Independent Commission Against Corruption and the Police Integrity Commission were declined by those organisations. However, corruption issues were addressed less directly in meetings with organisations that have some contact with this issue, such as the NSW Council for Civil Liberties.

Some highlights of the program are noted below:

Australian Law Reform Commission: The delegation received a useful overview of law reform processes, including research, community consultation, inquiries and reporting as undertaken by an official law reform agency. A number of ALRC inquiries that have had implications for human rights were explored. They included inquiries dealing with protection of human genetic information and protection of classified security information in legal proceedings.

Judicial Commission of New South Wales: This meeting exposed the delegation to an independent regime for maintaining standards of judicial conduct, investigating complaints against judges, undertaking judicial education, and maintaining fairness and consistency in sentencing.

Public Interest Advocacy Centre: This meeting demonstrated a mechanism for providing *pro bono* legal services for the disadvantaged and also conducting public interest litigation in areas such as indigenous and minority rights, rights of people in refugee detention centres, discrimination and administrative law.

Administrative Decisions Tribunal: This body exposed the group to a process for review of government decisions in areas such as access to government records, privacy, professional licences and rental disputes. It also highlighted the distinction between administrative tribunals and courts, including ways in which the former seek to provide a more simplified, accessible and efficient avenue of redress than that provided by the formal court system.

Kingsford Legal Centre: The delegation, particularly the Ministry of Justice, showed strong interest in the role of centres such as KLC in providing legal services to disadvantaged members of the community.

Australian Human Rights Centre: During this meeting the AHRC asked whether there were any corresponding institutions in Vietnam which may be interested in establishing formal links with AHRC. The leader of the delegation responded that there is a human rights centre located in Humanities Research Institute in Vietnam but did not elaborate. He said that he could not speak for that organisation but would pass this information on to them after his return to Vietnam.

Diplomacy Training Program: The DTP encompasses an annual three week training course for government and non-government officials, as well as one-off thematic training programs designed for specific audiences. This was of great interest to the leader of the delegation as a potential vehicle for human rights training of Vietnamese Government officials.

NSW Council for Civil Liberties: This meeting involved quite extensive discussion of police issues, including police corruption and police powers in areas such as arrest, search and so on. Freedom of speech and censorship issues were also discussed.

NSW Police: This meeting examined the role of policy arms within police services to address social justice issues that arise in policing such as cultural diversity, youth issues and the rights of women in domestic violence and other areas. Presenters described a variety of strategies to ensure that police services are responsive to the needs of ethnic and cultural minorities, such as the employment of ethnic community liaison officers. Ethical conduct of police was also discussed briefly and delegation members were given copies of the NSW Police Code of Conduct.

Department of Corrective Services: The delegation visited Parklea Correctional Centre, a facility for young male offenders. The extensive tour of the facility included overviews of employment and vocational training programs to assist prisoners after release. The delegation was particularly interested in rehabilitation as opposed to punishment as the goal of the prison system. The system of remuneration for inmates undertaking work programs also generated some interest. The delegation members were allowed to go inside cells and examine the amenities, such as adjustments made to cater for the needs of prisoners with physical disabilities.

Corrective Services Academy: Time constraints only permitted a very brief visit to the Corrective Services Academy, the training institute for prison officials in New South Wales. However, in his brief welcome comments, the Head of the Academy noted that CSA has had some experience in international cooperation work and would be interested in exploring possibilities of working with Vietnamese prison officials, should they be interested.

Quality of Australian participation

The quality of participation by Australian organisations in this activity was very high. The meetings were substantial in terms of both time and content. The standard of the presenters was high and Vietnamese delegation confirmed in their debriefing that the material was generally useful and relevant.

Australian participation included some very senior officials such as the President of the Australian Law Reform Commission, the President and Vice President of the NSW Council for Civil Liberties and President of the Administrative Decisions Tribunal. This was beneficial in elevating the status of the meetings. It is hoped that the Vietnamese appreciated this high level involvement and saw it as an indication of respect and interest in the visit.

The Australian participating organisations also went to great effort with regard to the substance of the meetings. The level of information and the quality of discussion was

enhanced by having in most meetings not just one presenter but a number from different parts of the organisation. For example, the meeting at NSW Police Headquarters involved a panel of six presenters, representing the Operations and Policy Division, the Human Resources Strategy Team, the Aboriginal Coordination Team and the Cultural Diversity Team. In the limited time they gave a very informative and wide ranging overview of their respective programs. Similarly, the meeting at the Australian Law Reform Commission involved the President and two senior Commissioners, each of whom had headed major inquiries which they described in detail to the delegation.

From the standard of the presentations, it was clear that the Australian participants had invested a lot of time in preparing for this activity. The speakers were for the most part articulate, engaging and culturally sensitive. They were interactive in their presentation style, encouraging the delegation to follow up the formal presentations with vigorous discussion and questions. This dynamic worked well and helped maximize the benefit of the meetings in terms of the level of information and ideas exchanged.

The Australian participants also provided the delegation with a large volume of written resource material including annual reports, policy documents, training material and in some instances, the written text of their presentations. They also gave the group examples of material developed by their organisations to inform citizens about their rights or to assist members of the public in some way.

The Australian participants also made great efforts with regard to hospitality. Without exception, they were friendly and welcoming in their approach to the delegation. Some made generous provision for catering, even though it was not requested. This contributed to the atmosphere of goodwill that pervaded the activity.

Quality of Vietnamese participation

The quality of participation by the Vietnamese delegation was very high. All of the meetings were characterised by a high level of interactive discussion, with delegates making insightful observations and asking many detailed questions. It was clear from their overall demeanour that they took the activity seriously.

The leader of the delegation was particularly impressive. He had a confident manner and was very engaged in the issues. His questions and comments were strategic and clearly directed, in terms of seeking to identify areas of Australian human rights expertise that coincide with Vietnamese priorities, and ascertaining the potential for future cooperation.

A positive feature of their participation was the in-depth level at which they engaged in the issues. The meetings went further than discussing factual issues about the functions and activities of the Australian organisations. They also included quite detailed discussion of underlying principles that guide the work of those organisations – principles that in our system are considered central to the effective promotion and protection of human rights, such as judicial impartiality, procedural fairness, accountability and transparency in the way institutions operate. They displayed a good grasp of these principles and seemed comfortable discussing them.

The Vietnamese were more forthcoming than expected in discussing some aspects of their own system. Prior to the commencement of the activity, HREOC was not highly optimistic about this, given that the Vietnamese side requested removal from the program of a session in which the delegation would describe the structures for human rights protection in their country and the human rights priorities of the GOV. However, as it turned out, the delegation seemed quite comfortable discussing some issues relating to their own system, in areas such as legal aid, the operation of tribunals and the treatment of ethnic minorities (admittedly though not in the level of detail that would have occurred if the abovementioned session had remained in the program). An example was the emphatic views of the delegation on the unfairness that results if serious police misconduct is dealt with purely through internal police investigations.

It is also worth noting that the delegation was not hesitant in challenging aspects of the Australian system and noting areas where they saw scope for improvement. Not only did it facilitate a good exchange of ideas and perspectives but it also indicated a degree of comfort on their part at this early stage in the relationship.

Relationship Building

Aside from the substantive aspects of the program, this activity was successful in establishing a positive relationship between the two sides. From the commencement of the visit, there was a genuine rapport and atmosphere of goodwill between the Vietnamese side and the Australian participants. This is very significant in the context of potential future cooperation.

There are a variety of factors that contributed to this. Part of it can be attributed to the sensitive and non-judgmental approach HREOC applies to dealing with the overseas partners in these activities. It also involves more basic but very important measures to ensure that the visit is a rewarding and fulfilling experience for the overseas guests.

Language Issues

Language issues were minimised by the relatively high level of English proficiency in this delegation. About half of the members had reasonable to very good English, including the leader who had excellent English. The other half had minimal or no English.

The usual arrangement in these activities is to have one interpreter provided by HREOC and another as part of the visiting delegation. The Vietnamese undertook to provide the second interpreter but did not follow through. However, the level of English skill among members was such that they were able to manage with only one interpreter.

Pace of the Program

The pace of the program was fairly intense. This reflected the short duration of the visit coupled with the fact that its aim was to provide a general introduction which necessitated a relatively broad coverage of issues. However, the intensity was not of

such a degree that it seriously compromised the quality of the activity in terms of the learning experience or the personal comfort of the delegates.

Logistics

No logistical problems were encountered with this activity. The delegation members seemed happy with the accommodation and all other practical arrangements made for them. A private hire bus was used for local transport in various parts of the program, thus avoiding any difficulties that might have otherwise occurred in moving around a relatively large group.

One of the main factors behind the problem-free nature of this visit was the intensive staff support applied by HREOC. At all of the meetings and other activities, the delegation was accompanied by two HREOC officers - the Program Manager and the Escort Officer who was assigned to assist the group with any practical matters. This was in addition to the assistance provided by the HREOC Program Director and administrative staff. A Vietnamese speaking member of HREOC staff also gave some assistance to the delegation.

Ten members is a larger group than HREOC would consider optimum for a visit intended to seriously engage the participants. While this number did not present any major problems, HREOC regards this as a maximum and would not recommend going any higher in future visits. Any more members could be problematic in terms of effective interaction and discussion, which tends to work best in smaller groups.

Briefing material for Vietnamese Participants

Prior to the commencement of the activity, delegation members were sent a paper, translated into Vietnamese, titled "Introduction to the Australian Constitution, System of Government, Legal System and Human Rights Law". The purpose of this was to provide some contextual information about legal and governmental system that was essential to their understanding of the specific issues examined during the visit. The delegation also received, prior to the visit, the paper "Information for Vietnamese Participants" which contained details of the logistical arrangements plus general tourist information on matters such as climate, currency, transport, customs regulations and so on.

On arrival in Sydney, delegation members were given further briefing material, including translated information on HREOC and a paper summarising the other Australian participating organisations.

Protocol

In addition to the substantive program elements, the activity included a number of protocol elements. These were very beneficial in helping to generate a high level of goodwill between the Vietnamese and Australian participants. Welcome and farewell banquets were hosted by the Executive Director and President of HREOC respectively.

Presentation of certificates

At the conclusion of the visit, each member of the delegation was presented with a framed certificate of completion, signed by the President of HREOC. The purpose of this was to give formal recognition to their achievements in the activity. HREOC's experience is that the overseas partners appreciate them and that they contribute to the goodwill between the two sides.

Extra-Curricula

At the final debriefing session, the delegation indicated that they would have liked to have spent more time seeing more of Sydney, although they accepted that the short duration of the program made this impracticable. However, several short activities were arranged for the group. On one evening the delegation visited Cabramatta, the main hub of Sydney's Vietnamese community, as well as the Olympic Stadium and several other tourist sites. Following the farewell lunch the delegation had a free afternoon before departing Sydney that evening, and used the time for some local sightseeing in the city area. On both occasions, they were accompanied by a Vietnamese speaking member of HREOC staff who was seconded from his other duties to assist with this and several other aspects of the activity. He established a good empathy with the group and his involvement added to the good atmosphere of the visit.

Outcomes

As noted earlier in this report, the activity was directed at two levels of outcome, short-term and longer-term outcomes.

Short Term Outcome

The immediate outcome sought from this activity was for the Vietnamese officials to become familiar with the methods and institutions in Australia for the promotion and protection of human rights.

There is no doubt that this short term outcome was achieved. This is supported by all of the discussion and also by the final debriefing session. During that session the delegates were unequivocal in their statements that the activity had been a success and met its stated objectives. They said the visit had given them a good introduction to, and basic familiarity with, Australia's legal system and its framework for human rights protection. They also noted that this general introduction was complemented by specific insights into key sectoral issues that coincided with the professional focus areas of the delegates, such as prisons and police. While some allowance must be made for the inevitable desire to be polite, the strength and unanimity of their comments, and the quality of discussion during the course of the visit, suggests that they were genuine.

A number of delegates commented that they would have liked to become more familiar with certain aspects of the Australian system. For example, if there had been more time they would have been very interested in visiting traditional aboriginal communities and sites. However, they made it clear that this was not intended as a

criticism. They appreciated that the activity was of short duration and intended as a general introduction and therefore that there was not really scope for in-depth exploration of specific issues. That was seen as more logically falling within future cooperation activities.

Longer Term Outcome

The longer term outcome sought from this activity was to establish on the part of the Vietnamese officials a level of comfort with human rights, by presenting them as practical tools that can assist them in carrying out their functions effectively.

This is more complex to assess. Nonetheless, there were some encouraging signs that they had made some progress towards this longer term outcome. One of the signs was the ease with which they engaged in vigorous discussion of issues on which one might have expected a degree of defensiveness, such as abuses of power by state officials in dealing with individuals, processes for complaints by individuals against government agencies and the role of civil society organisations in monitoring government activity. Their comments on these issues were balanced and suggested openness to new perspectives and ideas. Another sign of an expanded comfort zone in dealing with human rights issues was the surprising level of candour with which they were prepared to acknowledge deficiencies in their own systems for protection of human rights, including inadequacies in the legal aid system and the operation of tribunals.

The most concrete indication that the Vietnamese officials saw the potential for human rights to play a positive role in their work was their interest in pursuing future cooperation in this area.

Future Cooperation

In the final debriefing session, the leader and other members of the delegation expressed a strong desire to build on the success of this activity through the development of a longer term program of human rights technical cooperation. Notwithstanding the significant and fundamental differences between the legal and governmental structures of the two countries they felt that the study visit had revealed sufficient commonality between Australian expertise and Vietnamese priorities to justify such a program.

The delegation considered that the study visit had been beneficial in helping identify areas that could potentially form priority themes for activities implemented under a program of technical cooperation. They highlighted particular areas of interest, but were careful to emphasise that these were not final views and were subject to further discussion within GOV. Areas of interest included:

- *Human rights training for Vietnamese officials:* The leader of the delegation was keenly interested in training for MFA officials through postgraduate degree courses and/or shorter theme based workshops and seminars.
- *Strengthening of administrative tribunals:* The delegation said that the administrative tribunal system in Vietnam does not operate as effectively as it should and were interested in programs to strengthen its capacity. They saw potential benefit in drawing on the experience of the New South Wales ADT.

- *Development of the legal aid system:* The system of community based legal centres operating in Australia, of which KLC was an example, was of great interest to the delegation in the context of providing legal assistance to the disadvantaged at the grass roots level.
- *Minority rights:* The delegation noted that Vietnam has 54 ethnic and cultural minority groups. They were interested in undertaking closer examination of Australia's programs for minority groups and particularly indigenous people.

They regarded the study visit model as a good one which should be included as part of the methodology for the delivery of future cooperation activities. They expressed interest in implementing a more focussed study visit as one of the initial activities in a future cooperation program.

The delegation did not limit themselves to the above areas. It is conceivable that other focus themes may emerge as they refine their thinking on a future program. They also stressed that even those elements of the study visit that do not form specific themes in a future program had still been beneficial in broadening GOV perspectives on legal and judicial processes for protection of human rights.

The leader indicated that he and the other members of the delegation would prepare internal reports and recommendations from the visit to Australia. Those reports will be subject to further consideration and discussion within their respective ministries. This may culminate in a detailed GOV proposal for human rights technical cooperation between Vietnam and Australia.

Conclusions

The Vietnam Human Rights Study Visit to Australia is considered to have been successful in meeting its objectives. This conclusion is supported by the above evaluation and is demonstrated in the short and longer-term outcomes documented in this report. While short in duration, the activity was effective in transferring a high level of information and knowledge. In doing so, it identified concrete areas in which Australian expertise may usefully contribute to Vietnamese priorities in the area of human rights, through a formal program of technical cooperation.

Clearly, the final result of this activity has yet to be seen. Much will depend on the further discussion and reflection that takes place on the Vietnamese side, as the delegation members prepare internal reports and recommendations that will be considered by more senior officials. It would be foolish to try and predict the precise outcome of this process. However, whatever the outcome, it can be said that this activity will assist the GOV to make soundly based and well-informed decisions with regard to its involvement in future cooperation.

In implementing this activity, HREOC has endeavoured to apply the sensitive management which it considers essential to achieving effective results in technical cooperation activity. This involves, among other things, a non-judgmental approach, recognizing the comfort zone of the other party in dealing with certain issues, moving forward only at the pace which the other party is prepared to go and, most importantly, understanding the needs and priorities of the other party. It also requires a balanced and honest approach when discussing Australia's human rights

performance. This tends to dispel perceptions that Australia is presenting itself as the superior party and encourages a positive and non-defensive approach by the other side. The leader of the Vietnamese delegation said that GOV has declined opportunities for human rights cooperation with other donors because they found their approach too aggressive.

This activity also played an important role in adding substance to the dialogue process between the two countries, formalised in the *Vietnam-Australia Dialogue on International Organisations and Legal Issues, Including Human Rights*. It was further demonstration that Australia's approach is not to pass judgment on Vietnam but to work cooperatively with the Vietnamese to improve things. In the final debriefing session, the leader of the delegation made some positive comments about the dialogue. He regarded this activity as a useful product of the dialogue and it seemed to reinforce his view of the dialogue as a worthwhile process.

Attachment 3: Activity with Iran

Edited Extract from:

“Visit to Australia by the Islamic Human Rights Commission of Iran, Completion Report

Background and Context

This visit to Australia was part of the Human Rights Dialogue between the Governments of Australia and Iran. The proposal for this activity arose from the inaugural session of the Dialogue, which was held in Tehran in December 2002, the Australian delegation being led by the Department of Foreign Affairs and Trade.

There have been no previous technical cooperation activities between the Islamic Human Rights Commission of Iran (IHRC) and the Human Rights and Equal Opportunity Commission (HREOC). Although the IHRC is not a full member of the Asia Pacific Forum of National Human Rights Institutions (APF), the two Commissions have participated in joint activities of the Forum. The IHRC, both prior to and during this activity, expressed considerable interest in becoming a full member of the APF.

Objective of the Activity

The objective of this activity was to enable the Islamic Human Rights Commission to become familiar with the methods used in Australia for the promotion and protection of human rights with a view to assessing the viability of future technical cooperation. The activity was intended to establish a strategic framework for technical cooperation, identifying the capacity of HREOC to assist the IHRC to address Iranian human rights priorities.

The activity was also intended to assess the viability of working with members of the Iranian judiciary in the interests of promoting and protecting the human rights of individuals who come into contact with the judicial organs.

Cooperating Partners

Human Rights and Equal Opportunity Commission

HREOC is a statutory authority of the Commonwealth Government established by the *Human Rights and Equal Opportunity Commission Act (Cth) 1986*. In the broadest sense it is responsible for the promotion and protection of human rights in Australia. Its main specific responsibilities are to:

- promote public awareness and education on human rights;
- receive and investigate complaints concerning discrimination and human rights abuses;
- develop policies and guidelines aimed at promoting compliance with human rights and anti-discrimination legislation; and
- advise Australian governments on action needed to ensure compliance with

Australia's international human rights obligations.

Islamic Human Rights Commission of Iran

The IHRC was constituted by the *Majlis*, the legislative branch of government, becoming fully functional in 1996. The main functions of the Commission are the promotion of human rights, supervision of the enjoyment of human rights, resolving human rights violations, examining Iran's observation of international Covenants and Conventions and cooperating with national and international organisations.

The IHRC is governed by a Board of Founders (7 members) which oversees the Policy Making High Council (23 members). The Policy Making High Council includes representatives of the judicial, legislative and executive branches of government, as well as non-government organisations. The Chairperson of the IHRC is appointed from the Policy Making High Council. The IHRC has four major committees responsible for research, women's affairs, domestic monitoring and follow-up and foreign monitoring and follow-up. There is a secretariat which coordinates the work of functional units dealing with human rights education, legal affairs, international cooperation, administration and other areas.

The key characteristics of the IHRC are set out in its Charter, which refers to its independence and also to the centrality of Islamic principles. Article 1 of the IHRC Charter states "The Islamic Human Rights Commission is established as an independent institution with the goals and objectives ... based on: the genuine Islamic idea ... and implementation of Principles 8 and 19 - 43 of Constitution of Islamic Republic of Iran which concern ... imposition of religious and legal duty ...".

The IHRC has a central office in Tehran and branch offices in several provinces. The central office employs approximately 21 full time staff and 20 part-time students. The provincial offices are operated through a formal network of volunteers or "Human Rights Defenders". They organise local workshops and conduct investigations into local human rights issues.

Iranian Participants

The Iranian delegation consisted of Dr. Seyed Ibrahim Amini (Member of Parliament in the IHRC's High Council), Dr. Mohammad Jafar Habibzadeh (University Professor and member of the IHRC's Scientific Committee), Dr. Mohammad Hossein Hashemi (University Professor and member of the IHRC's Scientific Committee) and Ms Farideh Taha (Staff member, Secretariat, IHRC).

Australian Participants

HREOC's President, Commissioners and many staff members participated in the activity, which engaged the following functional areas:

- Human Rights Policy Unit
- Race Discrimination Unit
- Sex Discrimination Unit
- Disability Rights Unit

- Aboriginal and Torres Strait Islander Social Justice Unit
- Public Affairs Unit
- Complaint Handling Section
- Legal Section
- Library
- International Programs Unit

The following organisations also participated in the activity:

- Australian Human Rights Centre
- Diplomacy Training Program
- Public Interest Advocacy Centre
- Kingsford Legal Centre.

The Iranian Context

Constitutional Structure

The IHRC operates within a legal and constitutional structure that gives explicit recognition to human rights principles. However, that structure is subordinate to the overriding framework of Islam as the official state religion and the requirement that all laws be consistent with the tenets of the Islamic faith and in particular the requirements of Sharia law.

The language of human rights features quite strongly in the Iranian Constitution, although many articles are subject to other limitations. For instance Article 20 provides that all are equal before the law “in conformity with Islamic criteria”.

The power to enact legislation to implement these constitutional requirements resides with the Islamic Consultative Assembly or *Majlis*. The Council of Guardians¹ has the role of safeguarding the Islamic Ordinances and the Constitution, and examining legislation passed by the *Majlis*. All legislation is sent to the Council to determine its compatibility with Islamic principles and with the Constitution. The Council can veto legislation or send it back to the *Majlis* for amendment.

A recent example of the Council of Guardian’s role in reviewing laws involves a major human rights treaty. The *Majlis* recently passed legislation to import into domestic law the provisions of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). It has been reported that the Council of Guardians, rejected acceptance of CEDAW, overriding the vote of the *Majlis*. The *Majlis* has also passed legislation concerning the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and this is currently under review by the Council of Guardians.

¹ The Council consists of twelve Islamic jurists and religious experts, six selected directly by the Supreme Leader and six selected by the *Majlis* from those nominated by the Head of the Judiciary (himself appointed by the Supreme Leader).

Political Environment

The current political environment in which the IHRC operates includes a vigorous movement for democratic and human rights reform. The reformists are led by the current President Mohammad Khatami and the reformist majority in the *Majlis*. The group most commonly identified as opponents of reform comprises the conservative religious clerics and scholars, who exert considerable influence in the Council of Guardians and other institutions of government. The human rights debate in Iran is in large part a reflection of the tension between the conflicting views of these two elements.

Independence of IHRC

The IHRC appears to have a high level of independence and commitment in relation to human rights issues in Iran. The officials expressed high regard for President Mohammad Khatami and his support for human rights and democratic reform.

Challenges for IHRC

The group spoke about the challenges they face in dealing with human rights issues in Iran. The IHRC officials do not see major conflict between Sharia law and the standards enunciated in international human rights treaties. According to their view, many of the rules in the Koran allow for some flexibility in their application. They believe the implementation of Islamic principles can be adjusted, within certain limits, to reflect changing times and circumstances. The IHRC appears to be quite strong in its advocacy of more progressive laws and recognizes that achieving reform sometimes requires a gradual and incremental approach.

Program

Program Content

The IHRC officials were given a comprehensive overview of the role of a national human rights institution operating within an Australian context. The HREOC presentations covered specific projects and also the strategies and methodologies applied in the implementation of those projects. The information sessions were substantial in terms of both the duration and the depth in which the issues were examined. The sessions involved a mix of formal presentations and interactive discussion.

The program included explanation of the different legal and political context in Australia, in order to enhance their understanding of the material presented by Australian organisations throughout the week. This was achieved through a briefing paper provided in Farsi prior to the group's arrival in Australia and introductory briefing sessions on the first day of the program, covering the Australian Constitution and Government and human rights law in Australia.

The introductory sessions also included briefings on the role and structure of both HREOC and the IHRC (the latter presented by the Iranian participants). This helped ensure that the subsequent discussions were informed by some basic understanding of

the national context in which each organisation operates and thus the manner in which the organisations necessarily differ.

The meetings with other Australian organisations provided the group with a sample (albeit small) of civil society organisations that complement the role of a national human rights institution and the manner in which they contribute to the promotion and protection of human rights in Australia.

Highlights of the program included:

Human Rights Policy Unit: The Human Rights Commissioner described his work in reviewing legislation for its consistency with human rights and anti-discrimination principles. He outlined some key projects in the area of children's rights, including a National Inquiry into Children in Immigration. He detailed the community consultations and other procedure involved in such inquiries. His presentation highlighted the ways in which national inquiries can raise awareness of human rights issues and contribute to reform.

Disability Rights Unit: The group received an overview of the Commission's work in developing guidelines and standards and undertaking policy work to address the barriers to access experienced by people with disabilities. Areas discussed included access to buildings, public transport, information technology and educational curriculum.

Sex Discrimination Unit: The Sex Discrimination Commissioner and her staff outlined the lobbying, advocacy, education and policy projects they have undertaken to promote the rights of women and encourage compliance with the *Sex Discrimination Act*. Issues discussed included sexual harassment in the workplace, domestic violence, inequality in pay and conditions, discrimination by employers against pregnant workers and trafficking of women and children. Particular attention was given to the disadvantage experienced by indigenous and other minority women. The distinction between direct and indirect discrimination was highlighted, including the different strategies for dealing with individual cases and more structural or systemic discrimination. Key strategies discussed included using the media to highlight issues and engaging with government to lobby for reforms.

Race Discrimination Unit: The Director of the Race Discrimination Unit gave a detailed presentation describing key strategies for combating racial prejudice and intolerance and promoting compliance with the *Race Discrimination Act*. Those strategies included inspections of prisons and other institutions, public media statements, developing curriculum material for schools students and teachers and developing guidelines to assist employers and others in complying with the race discrimination legislation. She outlined a number of research projects undertaken by her unit to examine the situation of vulnerable groups and communities. There was some useful discussion about the role of community consultations, particularly in the context of HREOC's current National Consultations on Elimination of Prejudice Against Arab and Muslim Australians.

Complaint Handling Section: This presentation covered the Commission's procedures for resolving individual complaints, through the process of conciliation. It

included strategies for making the complaints process accessible to vulnerable groups and those in regional and remote communities. The presenter described the operation of the Commission's Complaints Hotline, which receives approximately 10,000 calls per year.

Public Affairs Unit: The Director of Public Affairs covered a wide range of strategies employed by the Commission to get the human rights message out to the wider community and to specific target groups. This included creative strategies such as the "Youth Challenge" program which involves visiting schools and presenting practical cases studies on human rights issues, in collaboration with the students and teachers. The group was given examples of promotional materials that have been developed by the Commission. The presentation emphasized the importance of tailoring the material to make it relevant and accessible to different stakeholders and using targeted mailing lists and other tools to ensure that the message reaches its intended audience. It also highlighted ways in a national human rights institution with limited resources can increase its effectiveness through establishment of partnerships with other organisations in the delivery of human rights education, such as schools, government agencies and community organisations. There was some useful discussion about ways of using the media to educate the community about human rights.

Legal Section: The Senior Legal Officer outlined the Commission's work in providing advice to the courts. The Commission's involvement in this area is generally in cases that have significant human rights implications beyond the interests of the parties to the particular case. This *amicus curiae* or "friend of the court" role has been applied in a number of important cases involving immigration detention, the rights of children, access to education for people with disabilities and other matters.

Aboriginal Social Justice Unit: The Director of the Aboriginal Social Justice Unit outlined some of the policies and programs implemented by governments in Australia to address indigenous disadvantage and assist indigenous and other minorities to maintain their cultural identity. He explained the concept of "special measures" for specific groups as a means of addressing the impact of past discrimination.

Kingsford Legal Centre: The visit to Kingsford gave the group insights into the operation of community based organisations in providing free legal services to disadvantaged members of the community. Kingsford is one of over 35 community legal centres in New South Wales. It assists over 3,000 clients per year, providing legal advice and representations in areas such as domestic violence, discrimination, housing, wills and estates, employment, criminal law and victim's compensation.

Australian Human Rights Centre: The AHRC gave the IHRC officials a presentation on their work in the area of human rights research and documentation. The AHRC presenters gave the group copies of some of their publications and directed them to the AHRC website on which many of its reports and other material are published. The Iranian officials were grateful for the publications, as the IHRC has very limited library resources and is keen to strengthen its information base.

Diplomacy Training Program: The presenters outlined the human rights training programs run by the DTP for both government and civil society organisations. The training programs cover substantive human rights standards as well as the skills

needed for the implementation of those standards, such as strategic advocacy, lobbying, working with the media and using new information technologies.

Public Interest Advocacy Centre: This meeting demonstrated the role of public interest litigation in advancing human rights and democracy. PIAC has undertaken litigation in relation to human rights, consumer protection, environmental and constitutional matters. PIAC also undertakes more general advocacy aimed at promoting good governance through improved access to information, public participation in decision-making, and accountability of the public, private and community sectors

Quality of Australian Participation

In their comments during the final debriefing session, the Iranian participants expressed a high degree of satisfaction with the Australian presentations. The speakers were interactive in their approach, giving set presentations but also allowing ample time for questions and encouraging discussion. The generous time periods allocated to the sessions ensured that there was maximum opportunity for such interaction. The presenters were, for the most part, empathetic and culturally sensitive in their interaction with the Iranian participants.

In addition to conveying information about their own programs, the Australian participants displayed an interest in the IHRC and encouraged the officials to describe their programs and activities. This dynamic worked well, ensuring that the discussions were not one-sided and that there was sufficient focus on the needs and priorities of the IHRC.

The level of information transferred and the quality of the discussions was enhanced by having at most meetings involved not just one presenter but a panel of people from the relevant work unit or organisation. For example, the meeting with the Sex Discrimination Unit involved the Sex Discrimination Commissioner Ms Pru Goward, assisted by three member of her policy team, including its Director. The meeting with the Australian Human Rights Centre involved four senior academics, several of whom are highly regarded in international human rights circles. They included Dr John Pace, from the Office of the UN High Commissioner for Human Rights, and Professor Garth Nettheim, Emeritus Professor of Law and a recognised authority on international human rights law.

Many of the Australian presenters gave the IHRC officials the written text (or summary) of their presentation. They also gave them a large number of reports, policy documents, training material and other written resources.

Composition of the Iranian Group

The composition of the Iranian delegation was positive in a number of key respects. There were three senior officials with the apparent ability to influence the direction of the IHRC's program and a middle level member of staff able to give first-hand advice on practical implementation issues. Both perspectives were important.

The three senior members of the delegation were not IHRC staff but council or

committee members. Two of them were members of the IHRC's Scientific Committee which drives much of the organisation's research and policy work. All three occupy senior positions outside IHRC. The leader of the delegation, Dr Amini, is a member of the *Majlis* and a member of the Committee for Judicial and Legal Affairs. Dr Habibzadeh is a Chief of the Internal Affairs Ministry and a university professor in criminal law. Dr Hashemi is a former judge and legal advocate and is a member of a national committee responsible for monitoring constitutional law in Iran.

Ms Farideh Taha was the only full time IHRC staff member in the group. She was more grounded in the day to day work issues of the IHRC. As a member of the Secretariat, she had a good knowledge of the broad spectrum of the IHRC's activities and was familiar with the practical implementation issues faced by the organisation.

Quality of Iranian Participation

The Iranian participants were active and positive throughout the activity. Although somewhat reserved for the first day or so, they quickly became more relaxed and fully engaged in the program. Their demeanour during meetings was very much that of active participants rather than passive observers. They seemed comfortable with the interactive style of the presenters and were happy to engage in vigorous discussion. They displayed a high level of interest in the material being presented, as indicated by the depth of their comments and questions. Their questions were very focused, many of them directed at comparisons between HREOC and IHRC.

The Iranian group was quite candid in making critical observations about Australia. They were also very forthcoming in noting areas of HREOC's experience which they saw as being not particularly relevant to IHRC and distinguishing them from other areas where there was more common interest. This candour was very positive, not only in facilitating a constructive and useful discussion, but also because it indicated a degree of comfort on their part at this early stage of the relationship.

Areas of Common Interest

This activity was useful in highlighting both common ground and areas of difference between Australia and Iran. Delineating these areas is important because it is the degree of commonality that will largely determine the potential for future cooperation as well as the extent and the focus areas of such cooperation.

Clearly, there are major differences between IHRC and HREOC in terms of their individual circumstances and also the wider political and cultural context in which each organisation operates. The IHRC has a limited resource and infrastructure base, which will affect its capacity to absorb technical cooperation and the type of activities it can participate in. It is a small institution endeavouring to meet enormous challenges with no guaranteed funding. Sources of funding include some limited periodic grants from the Office of the President, private donations and some assistance from UNDP and other international donors. Much of the IHRC's work is carried out by unpaid volunteers. The IHRC also has a limited technology base. It does not have a website, although it hopes to establish one in the near future. This obviously limits the scope for technical cooperation in areas that rely heavily on

technology (although it raises the possibility of assistance in the establishment of a website).

There are also significant differences in the substantive themes that occupy the attention of the two Commissions. In reviewing and monitoring Government policy and legislation, the IHRC faces the complex task of reconciling the requirements of Sharia law with international human rights standards. Clearly, Sharia law is not an area in which HREOC has expertise and as such there is limited scope for technical cooperation related to this area of the IHRC's work. It is conceivable that HREOC could provide some input on that aspect which involves illuminating the provisions of international human rights treaties, but it is equally arguable that an academic organisation may be better placed for this role.

The meetings with HREOC policy units facilitated some interesting comparisons of priority focus areas of the two Commissions. One important area of difference was in relation to race discrimination and ethnic minority issues, a major focus of HREOC's work. During meetings with HREOC's Race Discrimination Unit and Aboriginal Social Justice Unit, the IHRC officials commented that in Iran people of many different racial and cultural backgrounds live together in relative harmony and experience few problems, including the large number of refugees accepted by Iran. They saw Australia's record in this area as being more problematic than that of Iran. While these assertions are open to debate, they signalled that race issues were not high on the IHRC's list of priorities for technical cooperation.

Notwithstanding these differences, the IHRC officials considered that there was much common ground between the two Commissions and that areas of common interest outweighed the differences. They saw many parallels between the two organisations in terms of their roles, their functions and the skills applied in fulfilling their mandates. The essential point here is that while there are major differences in their outward circumstances and priority themes, the generic tools and strategies they use for addressing their respective priorities are similar in many respects. Those tools include community education and investigation and resolution of individual complaints. It is in the area of "process" that there is the most common ground between the two Commissions, although processes obviously must be adjusted to suit different cultural and political contexts.

Community education and public affairs emerged as probably the most fertile area of common interest between HREOC and IHRC. This was the case even allowing for significant differences in the circumstances in which the two Commissions undertake this work. Those differences include the fact that the IHRC does not have a website and is thus not in a position to develop online educational material. In addition, the IHRC has limited access to television and radio which means that most of its media activity is confined to newspapers and other print media.

Much of the IHRC's education work focuses on its network of Human Rights Defenders. The network consists of committed organisations and individuals that work on a voluntary basis in partnership with IHRC to promote human rights across the nation. Members of the network include non-government organisations, students, lawyers and other stakeholders based in the provinces. There are currently approximately 5,000 members of the network. The other area of human rights

education being pursued by IHRC is working with school students. The IHRC recently entered into agreement with the Ministry of Education concerning the inclusion of human rights material in school curriculum.

Linkages with Australian Organisations

This activity was useful in strengthening links between the IHRC and participating Australian organisations. These informal links will be beneficial to IHRC irrespective of any formal program of technical cooperation that may result from this activity. During meetings there was prolific exchange of business cards between the Iranian and Australian participants, with both sides expressing interest in maintaining ongoing relationships. The policy units and other sections of HREOC emphasised their willingness to engage in continued networking and information sharing with the IHRC. They have already added the IHRC to some of HREOC's publications mailing lists. Of the other organisations the group met, the Australian Human Rights Centre was probably the most valuable as a source of information and both sides undertook to maintain contact, within or outside a formal program of cooperation.

Language Issues

Two of the Iranian participants (including the leader) spoke no English. The other two had some English proficiency, one quite minimal and one very good. It was originally intended that one of the four officials would also act as interpreter for the group. However, several days before the activity commenced that official withdrew because of illness. The official appointed as her replacement had good English but it was not of the standard that would allow her to adequately perform the role of interpreter. Accordingly, HREOC arranged a local Farsi interpreter at very short notice. This placed a significant strain on resources as it was not provided for in the budget for this activity.

Cultural and religious issues

The IHRC officials had quite specific cultural and religious requirements associated with their Islamic faith. Special efforts were made to ensure that these requirements were adequately catered for. In this regard, the activity benefited greatly from advice given by HREOC's Community Liaison Officer who has extensive knowledge of Islamic issues and is involved in project work dealing with these issues. Her advice was instrumental in developing briefing material on cultural sensitivity that was distributed to all of the Australian participants in this activity. She gave advice on behaviours and practices which may cause offence or discomfort to the Islamic guests and should be avoided.

The IHRC officials requested that an hour be set aside in the middle of each day for them to attend prayers. This was built into the daily schedule and a room at HREOC was made available for this purpose each day. All of the meals that were provided as part of the program catered for their dietary restrictions, which include a prohibition on alcohol and meat (except when prepared according to halal rules). They were also given assistance in locating shops specializing in halal food. Their hotel rooms all had fully equipped with kitchens in which they could prepare food according to their requirements.

The program included HREOC staff accompanying the group to the Imam Husain Islamic Centre, an organisation that provides for the religious, welfare and educational needs of the Islamic community in Sydney. The visit included evening prayers followed by a tour of the centre and refreshments hosted by the Imam and Religious Director, Sheikh Mansour Leghaei. The group was greeted warmly by members of the local Islamic community and they clearly enjoyed the experience.

It was also arranged for the group to accompany HREOC staff to a service at St Andrews Cathedral, where they were welcomed from the pulpit. This visit was arranged at the request of the group and accords with Islam's respect for certain other religions.

Logistics

The logistic arrangements went very smoothly and the activity was largely problem-free. In accordance with usual practice, HREOC applied intensive staff support to looking after the needs of the visiting officials. At all of their meetings and other activities they were accompanied by two members of HREOC staff, the Escort Officer and the Program Manager. The Escort Officer was assigned to the group specifically for the purpose of assisting with practical matters such as local transport, financial matters and checking in and out of the hotel.

Briefing material for Iranian Participants

Prior to this activity, delegation members were sent a number of briefing papers to assist them in preparing for the visit to Australia:

- *Introduction to the Australian Constitution, System of Government, Legal System and Human Rights Law:* This paper, which was translated into Farsi, provided the important constitutional and legal context for the promotion and protection of human rights in Australia.
- *Information for Iranian Participants:* This paper contained details of the logistical arrangements plus general tourist information on matters such as climate, currency, transport, customs regulations.
- *Summary of Australian Participating Organisations:* This paper described the various Australian organisations the officials would be meeting. It included details of their websites.

The group was also provided with, prior to their departure from Iran, a list of the times in Sydney for the five daily prayers for each day of their visit and a graphic showing the Qiblah direction for Sydney.

On arrival in Sydney the group was given further briefing material, including information about HREOC, translated into Farsi.

Briefing Material for Australian Participants

Prior to the activity, a briefing paper was provided to HREOC staff and other participating Australian organisations. The paper explained the aims and objectives of the activity and gave contained background information on the IHRC and the Iranian Constitution and Structure of Government. It also highlighted some of the cultural and protocol issues that the Australian participants should be aware of when interacting with the Iranian officials. Copies of the IHRC's own reports and promotional material were also circulated prior to the activity.

Protocol

The President of HREOC, Mr John von Doussa QC, hosted a welcome dinner for the Iranian officials. The Human Rights Commissioner, Dr Sev Ozdowski, hosted the farewell dinner for the delegation. These and other protocol elements contributed to the high level of goodwill between the two sides which pervaded the activity.

Sightseeing Activities

Some sightseeing activities were organised for the Iranian participants after the formal program concluded. HREOC staff accompanied the group on a cruise of Sydney Harbour followed by a visit to the Sydney Aquarium.

Presentation of certificates

At the conclusion of the visit, the Iranian participants were each presented with a framed certificate of completion, signed by the President of HREOC. The Iranian officials appreciated the gesture and it helped end the visit on a warm and positive note.

Evaluation

Framework for Evaluation of the Activity

The evaluation of this activity focuses on two main elements:

Transfer of Information

The first element relates to the objective of providing the IHRC with some familiarity with methods used in Australia for the promotion and protection of human rights. This requires an evaluation of the activity's effectiveness in facilitating the transfer of information and expertise. It involves examination of the program content and the quality of engagement by both the Iranian and Australian participants. It also involves consideration of the logistical and protocol measures aimed at ensuring an efficient and smooth flowing activity.

The activity succeeded in transferring a high level of information and knowledge. It provided the Iranian participants with a sound, albeit brief, overview of Australian methods for the protection of human rights, with a particular focus on the role of Australia's national human rights body, the corresponding Australian organisation to the IHRC. The group gained new insights and perspectives on a wide range of

practical strategies employed by a similar institution to fulfill its mandate of protecting and human rights.

Viability of Future Cooperation

The second element relates to the objective of assessing the viability of future technical cooperation. This is more complex and involves evaluation of whether there is sufficient common ground between the two countries to support longer term cooperation. This involves consideration of many different factors, including the priorities of the two Commissions and the divergent cultural and political issues affecting their work programs. The limited infrastructure and resource base of the IHRC must also be taken into account as that is a major determinant of its capacity to make effective use of technical cooperation.

The activity facilitated a detailed exploration of the degree of common ground necessary to support such cooperation. In doing this, it took full and realistic account of the different challenges faced by Iran and the vastly different cultural and political circumstances affecting each country. While these differences must not be underestimated, it seems clear that there are concrete areas in which Australian expertise may usefully contribute to the IHRC's priorities. As a result of this activity, the IHRC is equipped to move to the next stage and formulate a more detailed proposal for technical cooperation.

In addition to its core objective, the activity succeeded in establishing closer and mutually beneficial relationships between the IHRC and a number of key Australian organisations working in the field of human rights. The activity promoted greater understanding on both sides, through candid and open discussions that reflected the principles of equality and mutual respect. In doing this, the activity has made a positive contribution to the recently initiated process of bilateral human rights dialogue between Australia and Iran.

Evaluation against Objectives

The visit's objectives were stated in a proposal dated 28 February 2003:

“enable the Islamic Human Rights Commission to become familiar with the methods used in Australia for the promotion and protection of human rights”

Although there is a limit to the level of understanding that can be achieved in a short visit, as a result of this visit the Islamic Human Rights Commission of Iran has established a reasonable familiarity with:

- (a) the constitutional, legal and administrative structure of Australia;
- (b) the legislative structure within which human rights are promoted and protected;
- (c) the government administrative structure designed to promote and protect human rights; and

- (d) the community and activists organisations that work to better promote and protect human rights.

The activity has fully achieved this part of its objective.

“assess the viability of future technical cooperation”

As a result of this activity HREOC has become familiar with the Iranian context and thus the challenges facing the IHRC. This is described above under “The Iranian Context”. The areas where the human rights environment in Australia and Iran is very different have been delineated. At the same time those program priorities and challenges facing the IHRC which have some resonance in Australia have been established. This is described above under “Areas of Common Interest”. To a lesser extent the absorptive capacity of IHRC has been illuminated.

The activity has fully achieved this part of its objective.

“establish a strategic framework for technical cooperation”

As a result of this activity the areas of high priority for the Islamic Human Rights Commission have been established and compared with the areas of expertise in Australia, in particular those areas where Australia has both international experience and the infrastructure to support technical cooperation. This is described above under “Areas of Common Interest”. As a result it is now possible to describe the most likely opportunities for cooperation by Australia. These are described below under “Future Cooperation”.

The activity has fully achieved this part of its objective.

“identify the capacity of HREOC to assist the IHRC to address Iranian human rights priorities”

As a result of this activity IHRC’s operational capacity has been better illuminated and has been placed in the context of Iran’s human rights priorities. This has been compared with HREOC’s expertise and experience, both domestically and in terms of international technical cooperation. As a result it is now possible to describe the areas of highest priority where HREOC would be able to assist IHRC to better promote and protect human rights in Iran. These are described below under “Future Cooperation”.

The activity has fully achieved this part of its objective.

“assess the viability of working with members of the Iranian judiciary in the interests of promoting and protecting the human rights of individuals who come into contact with the judicial organs”

This objective, which was added to the initial proposal at a later date, was in recognition of the fact that the IHRC is not the only organisation through which the promotion and protection of human rights might be pursued in Iran.

Although one member of the group was a long-serving judge, institutionally the IHRC appears not particularly well placed to provide a definitive opinion on the Iranian judiciary. However the group was of the opinion that it would be appropriate for Australia to work with the Iranian judiciary and that such work could produce positive results, at least in the longer term. A number of areas of relevance and interest were discussed. These are mentioned below under “Future Cooperation”.

While this opinion represents a valid assessment, the value of that assessment is limited and it is therefore concluded that the activity achieved this objective to a limited degree.

Future Cooperation

In the final debriefing session, the Iranian participants expressed a strong desire to engage in a longer term program of technical cooperation. They considered that the IHRC’s needs and priorities could benefit from the expertise to which they had been exposed during their brief visit to Australia.

The Iranian participants elaborated on those areas in which they considered Australia could most usefully contribute expertise in a future program of technical cooperation. It became apparent that they had in mind more projects than could realistically be accommodated in such a program and that they would need to do some further work in prioritising the project areas. Ideally, the emphasis should be on a relatively modest program of cooperation, at least in the early stages. In addition, their thinking about the substance of the projects was still very general and it was clear that they had a considerable way to go in developing those ideas. These are not necessarily shortcomings but rather matters to be addressed at the next stage, in the formulation of a detailed proposal.

The IHRC officials identified four subjects as their preferred focus areas in a program of technical cooperation:

- (a) Complaint handling procedures;
- (b) Education and public affairs;
- (c) Scholarships for IHRC officials to study at Australian universities; and,
- (d) Joint seminars on human rights issues. Examples of possible topics include health and human rights, terrorism and human rights, economic and social rights under international law.

It was noted that the first two topics are areas in which HREOC has the most direct expertise. These are also the most practically oriented of the possibilities and, in addition, would seem to offer the greatest scope for short term impact.

The latter two possibilities are more academically oriented and would be suitable for implementation by other Australian organisations. Academic institutions such as the Australian Human Rights Centre may be the most appropriate partners in those areas.

The Iranian participants also expressed some views about the viability of judicial cooperation between Iran and Australia. While they have a less direct interest in this area, their brief observations of Australia's legal system gave them some insights relevant to this question. Dr Hashemi was particularly well-placed to consider this matter, as a former judge and advocate with a long career in the legal system of Iran. They considered that the Iranian judicial system could benefit from Australian expertise in human rights protection in judicial processes. Accordingly, they supported the development of technical cooperation involving training of Iranian judges. They saw civil and criminal cases as being legitimate focus areas for such cooperation. In relation to the latter, they regarded sentencing processes as being especially important.

Conclusions

The activity successfully met its stated objectives. It established relationships between the IHRC and organisations in Australia, identified possible priorities for technical cooperation and began the process of establishing confidence and trust between the parties. It is well recognised that the future of the relationship is dependent on a large number of factors. However, it can be said with some confidence that there is ample reason to believe that there are identified opportunities for Australia to work productively with Iran to better promote and protect human rights in that country.

Attachment 4: China Program Monitoring and Evaluation

Edited extract from:

“China-Australia Human Rights Technical Cooperation Program Program Completion Report 2002-2003 December 2003”

General Observations

It should not be claimed that HRTC alone is responsible for any changes in Chinese attitudes towards the promotion and protection of human rights. Amongst many Chinese organisations there is a realisation that for China to take its rightful place as a global leader it will need to develop a better capacity to fulfil the aspirations of its own people. Although these aspirations are seen as mainly economic, it is increasingly recognised both that economic, social and civil rights cannot be disentangled and that the protection of rights can lead directly to the achievement of economic aspirations. All human rights reform in China can be traced to actions taken by the Chinese. The role of foreign parties is strictly limited to encouragement and technical support. Even within this area the contribution of foreigners is small, with most encouragement coming from the Chinese themselves and most technical advances being of domestic origin.

Within the small role played by foreigners HRTC plays a small role. It provides encouragement and technical support as is detailed in individual Activity Completion Reports. The AMC believes that this encouragement and technical support is of value to individual cooperating organisations and that its impact on them is at least commensurate with the size and scope of the program.

But the AMC has always had larger ambitions for the program and it believes that now, roughly five years after the commencement of the program², there is evidence that those ambitions are being met. The largest impacts of the program are:

- (i) for most cooperating organisations it has moved cooperation in human rights from the most dangerous category to a category of only moderate danger;
- (ii) it has pioneered cooperation with foreigners in the most sensitive of policy areas and made it possible for cooperating organisations to contemplate involving foreigners in ever more sensitive areas; and
- (iii) it has demonstrated that the promotion and protection of human rights can have practical benefits both for the rights holders and for the administrative organs.

These impacts are now being felt by other foreign partners who are increasingly finding that the Chinese are more amenable to discussion on previously forbidden topic areas and are also more amenable to cooperation with foreigners in those topic

² Although five years would be considered a reasonable period for a purely technical intervention, given the ambitions of the program and the nature of the changes being undertaken in China, five years is a very short period indeed.

areas. The advances here are discernible but modest and they need to be put in the context of a country in which numerous egregious abuses of human rights continue to take place.³

The program has also had a favourable impact on Australia's own particular interests. The program has demonstrated that cooperation with western countries need not involve triumphalism and that Australia, in particular, does not claim to have all the answers, that cooperation involves mutual respect and that China can cooperate with Australia on even potentially embarrassing subjects without fear of public censure.

This seems to have made Australia the partner of choice for cooperation in the most sensitive of human rights areas. This is well demonstrated not only by the direct statements of cooperating organisations but also by the topics nominated for inclusion in the program by cooperating organisations and by the eagerness of some organisations to join the program.

Program Sustainability

Sustainability in human rights programs like HRTC lies substantially in the sustainability of the ideas and concepts introduced or developed. In this regard the program represents the longest of long term impacts and program sustainability. The AMC believes that many of the concepts introduced and developed are likely to be sustained both because they are consistent with the current direction in the development of PRC policy and procedures and because all of the objective and anecdotal evidence indicates that skills have been successfully transferred. This is described in more detail in the Activity Completion Reports.

Evaluation Methodology

As has been noted in numerous previous reports, evaluation methodology is an area that has proven an enormous challenge for the AMC. This report will not go over all the particulars that make this program so challenging for evaluation, except to note that the evaluation difficulties arise both from the program's subject matter and from many of the contextual elements.

In 2002 the PRPM recommended that in order to initiate a new joint evaluation methodology AusAID sponsor a free-standing evaluation seminar for cooperating organisations. This recommendation was not accepted. The AMC therefore recognised that the prospects for embedding a joint cooperative evaluation mechanism in cooperating organisations was not in immediate prospect. For that reason in 2002-2003 the AMC focused its evaluation work on the better articulation and further development of its existing evaluation strategy. This strategy, which relies largely on direct observation, focuses on the assessment of the quality of each activity and the extent to which the design and implementation of the activity is capable of contributing to achieving its objectives and to the overall objective of HRTC.

³ For the purposes of analysis it is useful to distinguish between the promotion of rights that could represent a challenge to the ruling authorities and the promotion of rights that result in a greater degree of economic and social freedom.

The objectives for individual activities are modestly stated and using this strategy, simple deductive reasoning generally establishes whether the activity has or has not achieved its stated objective. Thus the first elements of the evaluation strategy – the elements that focus on the design and implementation of the program - are quite effective at the activity level and it is quite possible to use deductive reasoning to conclude that an individual activity has or has not achieved its objective.

In its original conception the overall objective of the program was modestly stated in the same way that the objectives for individual activities remain modestly stated. However, in 1999-2000 the overall program objective was revised so as to reflect a more ambitious conception. While individual activities continue to focus on the presentation of alternatives and solutions, the program overall is now intended to use the activities to motivate and encourage reform either within each of the cooperating organisations or in the areas influenced by the work program of the cooperating organisations. This means that the evaluation task at the program level involves more than evaluating whether the individual activities have been designed and implemented effectively. At this level it is necessary to conclude whether the capacity of cooperating organisations to promote and protect human rights have been strengthened. At this level the second elements of the evaluation strategy are brought into play. These elements focus on the extent to which information has been received favourably and is likely to be disseminated and acted upon. Although requiring inductive reasoning it is quite possible to conclude whether the program has or has not achieved its objective.

At both activity and program level the evaluation strategy seems reasonably effective. It is possible to assess whether activities have been well designed and implemented and it is possible to assess whether activities have resulted in strengthening the capacity of cooperating organisations.

Unfortunately it is not nearly so easy to assess whether cooperating organisations make effective or sustained use of newly acquired capacity and thus it is exceedingly difficult to evaluate the program against its longer term ambitions. This is especially unfortunate because the AMC is firmly of the view that the greatest value of the program lies in its long term potential to contribute to significant institutional and societal change in China. One can argue that any meaningful evaluation of the program against such long term ambitions requires the benefit of a 30 to 50 year perspective. This would suggest that the value of any attempt to discern significant changes of institutional attitude in particular reforms is highly questionable. It can also be argued that these longer term ambitions are un-stated in program formulation and that it is therefore inappropriate to evaluate the program against such un-stated ambitions. For these reasons, and for others, the AMC has been very hesitant to make claims of institutional reforms resulting from the program. The AMC also recognises that sustaining such claims would require an insight into the operations of the Chinese organisations that could only be gained through the application of resources and cooperation on a scale and to a degree not envisaged for HRTC. The evaluation strategy therefore stops short of assessing the extent to which cooperating organisations use new capacity to promote and protect human rights.

As stated above, the evaluation strategy works initially at individual activity level. While the actual evaluation methodology varies from activity to activity, depending

on the nature of the activity and on the nature of the relationship between the AMC and the cooperating organisation, it will typically include an assessment against the following criteria.

(a) Relevance

Is the Australian expertise and experience sufficiently relevant to Chinese circumstances? How was relevance established?

(b) Initial Planning

Were Chinese and Australian experts involved? Does the subject represent a Chinese priority? Does Australia have expertise in the subject area? How was the subject area determined?

(c) Quality of Contact

Is the Australian expertise and experience communicated/transferred effectively? Is the format that useful for the Chinese? Was there a high degree of engagement between Australians and Chinese?

(d) Group Composition - Australian

Are the Australian participants appropriate to the objectives? Do they have appropriate experience and expertise?

(e) Group Composition – Chinese

Are the Chinese participants appropriate? Are they in a position to influence change? Are they sufficiently receptive? Do they engage in discussion? Do they ask relevant questions?

(f) Group Distribution – Chinese

Are the Chinese participants able to make use of the activity outcomes? Do they represent different geographical areas?

(g) Preparation – Australian

Were the Australians properly briefed? Did they understand the program objectives? Did they understand their role? Were they well prepared? Were papers translated and distributed in advance?

(h) Presentation – Australian

Are the Australians effective communicators? Do they engage constructively? Do they discuss differences in perception?; in practice?; in policy?

(i) Language

Were presentations translated and distributed? Was interpretation adequate?
Were interpreters familiar with the concepts?

(j) Subsequent Action

Will the participants prepare reports on the activity? How will such reports be distributed? Will participants change policy and/or procedure in their work areas?

In carrying out the evaluation of each activity the AMC answers these and many other questions. The answers are reached as a result of consulting a number of separate sources:

(a) Direct Observation

Where possible either the Project Director or the Project Manager attend the activity, however in some cases the activity may be attended by a consultant contracted by the AMC.

(b) Debriefing of Chinese Participants

In some cases this is done by formal questionnaire, in others by informal discussion during and following the activity.

(c) Debriefing of Australian Participants

This is always conducted informally by the AMC representative both during and following the activity. In some cases follow-up discussions are used to inform future activity design.

(d) Follow-Up with Cooperating Organisation

As part of each management visit the AMC requests that the cooperating organisation report on the outcome of the activity, both immediate and longer term expectations.

The last of these sources is sometimes not immediate enough to be of use in the reporting on the individual activity. However it is always useful in the next iteration of the project cycle, allowing the program to design subsequent activities so that they are better attuned to achieving program objectives and so that they respond to changing needs. This source is also useful in dealing with evaluation at the overall program level. At this level other donors are a fifth source of information, providing insight generally into the changing capacity of cooperating organisations and into institutional changes in China, some of which seem to be supported by, if not resulting from, the activities of HRTC.

Evaluation Against Program Level Objective

The overall objective of the HRTC is:

“to strengthen the administration, promotion and protection of human rights in China”

The individual Activity Completion Reports describe the extent to which the particular activity contributes to the realisation of this objective. Although placed against the enormity of the task facing China in terms of institutionalising respect for human rights, achievements are modest, they are very much in line with both the reasonable expectations of the AMC and the strategy established for the program.

Although in 2002-2003 a number of activities did not reach their full potential and at least one did not fully achieve its stated objectives, others exceeded expectations and went beyond their stated objectives. Overall it seems entirely reasonable to conclude that in 2002-2003 the program, despite the distractions of SARS, Avian Flu and terrorism alerts, contributed to strengthening the administration, promotion and protection of human rights in China.

The short term achievements of the program are described in detail in the individual Activity Completion Reports provided separately. In the longer term the program’s work continues very much in line with previous years, working quietly and in the background to influence the thinking of officials formulating policy and practice.

The extent to which this influence is effective is exceedingly difficult to gauge, both in quality and in quantity. In drawing conclusions the AMC relies on anecdotal evidence from a variety of sources and its own subjective observations. The AMC appreciates that it is not possible for the program to be assured that it will make a difference, however it is possible for the AMC to ensure that the program is well designed and well implemented. Because good design and effective implementation provides the program with the best possible chance of achieving its long term ambitions, the attention of the AMC in evaluation is very much on design and implementation.

For most activities the objective evidence is sufficient to conclude that those individual activities have (or, in rare cases, have not) met their objectives. In most cases deductive reasoning produces the unavoidable conclusion that the objectives have been met. This is because individual activity objectives are described in a way that makes them amenable to the application of such evidence.

For reasons described in the evaluation methodology section the overall program objective is not so amenable to the application of objective evidence, and, in any case, the AMC is not inclined to rely exclusively on objective evidence in relation to the program level objective. Therefore conclusions about the extent to which the program has met its overall objective rely to a substantial extent on inductive reasoning. Starting from the position that individual activities have, with minor exceptions, met or exceeded their objectives, the program’s objective will be met if cooperating organisations are able and willing to make use of the knowledge and expertise which is known to have been transferred as a result of individual activities and do in fact make use of the knowledge and expertise. This transferred knowledge and expertise is described in detail in individual Activity Completion Reports.

There is some objective evidence that cooperating organisations have made direct and practical use of HRTC activities to strengthen the promotion and protection of human rights in China. This evidence includes draft Rules of Evidence, local Regulations against Domestic Violence, various actions to combat trafficking in women and children, training of judges, police and prison officers, registration systems for administrative complaints, changes to prison management systems and other known actions. This objective evidence is conclusive of the program having achieved – to some extent at least – its objective.

However, because of the program’s environment,⁴ this evidence is limited and not available in any systematic way. For that reason the AMC believes that the objective evidence, although in itself reasonably impressive, does not adequately portray the extent to which the program is exerting a positive long term influence on the human rights implications of policy and practice. Moreover, to rely exclusively on such evidence would hold program evaluation and assessment captive to sources of information that cannot be comprehensive or reliable in the environment in which the program operates. For these reasons the AMC is not willing to base its conclusions on this evidence alone.

In reaching the conclusion that the program is more influential than the hard evidence indicates the AMC relies on:

- (i) day to day program management and monitoring: the regular discussion, in both social and work contexts, with the counterpart staff of the cooperating organisations;
- (ii) discussions with Chinese and Australian participants in activities: before during and after the completion of activities;
- (iii) discussions with Australian and foreign experts;
- (iv) the literature on Chinese legal and social reform.

Even were there no objective evidence, the AMC would still conclude that the link necessary to ensure that individual activities contribute to achieving the objective of the overall program is present. The logic is as follows:

- (i) individual activities have achieved their objectives as detailed in individual Activity Completion Reports; and
- (ii) cooperating organisations have demonstrated the ability to use activity outputs to better promote and protect human rights and have indicated their willingness to use the outputs; and therefore
- (iii) the program has achieved its overall objective.

At the same time it should be noted that the extent to which the overall objective has been achieved varies between the cooperating organisations.

⁴ A society dominated by the State, with a naturally secretive administrative apparatus; a Confucian society in which internal affairs are kept internal; subjects of extreme sensitivity to outside scrutiny; issues of personal, State and international pride; sensitivity to potential foreign criticism; no culture of accountability.

Program Themes

The program is divided into three themes:

- (i) legal reform;
- (ii) women's and children's rights; and
- (iii) ethnic and minority rights.

A cursory examination of program documentation would suggest that the first theme receives far more attention than do the other two themes. In fact activities that do not fit neatly under one of the themes are always placed under the first, thus making it appear that more attention is paid to that theme. For example scholarships deal with legal reform no more than they deal with women's and children's rights. In addition, activities under the first theme always have a direct impact on the other two themes and in some cases focus nearly exclusively on one of the other themes. For instance prison police officer training dealt extensively with ethnic and minority rights and women's rights. The 2002-2003 activity with the Supreme People's Procuratorate was placed under the legal reform theme because the SPP is a law agency but the group was entirely female and the discussion focused extensively on women's rights.

Further analysis reveals that all three themes are cross-cutting: there are elements of theme (i) in theme (ii) and (iii) activities and elements of theme (ii) in theme (iii) activities, and so on. The themes are not mutually exclusive and the boundaries between the themes are clearly arbitrary.

The AMC concludes that the three themes are themselves somewhat arbitrary and that too much attention to the "balance" between the themes could be counter-productive. In particular the AMC would not wish to see high quality activities give way to lower quality activities in order to achieve an arbitrary "balance" between themes that are themselves arbitrary.

Gender and Minority Issues

Following on from the above comments about the program themes, gender and minority issues continue to be given careful attention in the planning and implementation of all program activities. Gender equity among Chinese participants is strongly encouraged, although in practical terms this is constrained by the fact that participating agencies and professions are often male dominated. However, within these constraints there are deliberate efforts on the Chinese side to maximise female participation. It is notable that for the first time the SPP was able to provide a group that comprised not only a majority of females, but in fact the entire group was female. Given the high-powered nature of the group (two of the participants being of Vice-Ministerial status) the group belies the regular suggestion that there are insufficient women of senior status.

In terms of program content, gender and minority issues are specifically addressed in cooperation with the All-China Women's Federation and the State Ethnic Affairs Commission. The relationship with the ACWF is one of the most effective among the cooperating organisations and its results in 2002-2003 included the successful community and county level workshops on trafficking. The work with SEAC in

2002-2003 included a very successful activity which it is reported has received significant attention at senior levels within SEAC. The AMC is hopeful that in 2003-2004 the three years of preparatory work will finally pay full dividends.

As noted above the gender and minority themes of the program are not confined to these two agencies. Most areas of the program have gender and minority dimensions and this is reflected in activity planning and implementation.

Poverty

The HRTC program recognises the general proposition that human rights promotion and protection contributes to poverty reduction. Although all human rights programs are substantially self-targeting at the poor, simply because the poor are in greater need of rights protection, HRTC during 2002-2003, as in past years, focussed specifically on issues which impact disproportionately on poorer members of the community. The most notable activities in this regard were those dealing with trafficking in women and children, protection of the rights of prisoners and development of criminal protections through the rules of evidence. In terms of poverty alleviation the benefits that flow from these types of activities are necessarily incremental and long term. Notwithstanding this, the increasing emphasis on grass-roots activities based in provincial locations (and in the case of trafficking, the village level), that characterised the 2002-2003 program, is likely to encourage more direct impacts.