



Uniting International Mission

Church Partnerships, Advocacy, People in Mission, Human Rights, Peace & Reconciliation, Relief & Development
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Submission to Inquiry on Protecting human rights and the Asia Pacific From the Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church in Australia and Uniting International Mission

1. Introduction

The Justice and International Mission Unit and Uniting International Mission welcome this opportunity to make a submission to the parliamentary Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade on international and regional human rights mechanisms and models for the Asia-Pacific. We note that submissions are to particularly address issues of:

- The United Nations human rights system;
- Regional mechanisms
- Roles for parliament; and
- The distinctive characteristics of the Asia-Pacific and its human rights landscape.

The submission will draw directly from our areas of work and our experience of working on human rights issues in the Asia-Pacific region. The submission therefore will not comprehensively address all the terms of reference, but will focus on where the two bodies are able to make meaningful comment based on our experience. The Uniting Church has an extensive and close network of partnerships with churches in many Asian countries and in nearly every Pacific nation. The relationships with many churches have existed for more than a century and are varied in their expression.

The two submitting bodies have worked on the following areas of relevance to the inquiry:

- Murders, disappearances and harassment of church members, human rights defenders, trade unionists and Indigenous leaders in the Philippines;
- Human rights abuses in the context of the civil war in Sri Lanka;
- Human rights abuses in Papua;
- The recent wave of attacks against Christians in North India;
- The impact of climate change on countries in the region, especially the Pacific where the impact of climate change will impact on people's ability to gain their economic and social rights;

- Persecution of Christian communities in Vietnam, China and Laos;
- Protecting and seeking fulfilment of economic and social rights, especially in relation to the Millennium Development Goals, within the Asia-Pacific region; and
- Ending the use of exploited child labour and people trafficking within the region.

The Justice and International Mission Unit currently provides funding to the South Luzon Jurisdictional Area of the United Church of Christ in the Philippines (UCCP) to employ two workers who work on human rights education and peace-building activities within the South Luzon region.

The submitting bodies are interpreting the terms of the reference of the inquiry widely, to including consideration of human rights mechanisms and models to address economic, social and cultural rights in addition to civil and political rights.

2. Executive Summary and Recommendations

The Asia Pacific region faces numerous human rights challenges across all types of human rights areas: civil and political rights, economic and social rights, cultural rights, the rights of women, children, indigenous people, people with disabilities, and labour rights as some examples.

Some of the human rights issues that the two submitting bodies have worked on, include:

- Persecution and attack of religious minorities in parts of India, which have included murders, rapes and large scale destruction of property and the failure of state authorities to investigate such abuses and bring the perpetrators to justice.
- Persecution of the Hmong minority in Laos, on both ethnic and religious grounds, which has involved murders, massacres, rapes, torture and arbitrary imprisonment. It has also included the failure of Thailand to respect the rights of Hmong not to be returned to a situation in Laos where they face the very real possibility of serious human rights abuses.
- Displacement of people from small Pacific nations due to the impacts of climate change, having significant human rights impacts, not least of which is the possible loss of the right to maintain their culture.
- Human rights abuses against journalists, church members and those critical of the current military government in Fiji.
- The possible impacts on the social and economic rights of the people in the Pacific of free trade agreements.
- Human rights abuses carried out by the Indonesian security forces, or with their collusion, against Indigenous Papuans, including murders, torture and intimidation. Indigenous Papuans also fear possible religious and cultural persecution with the passage of the Indonesian Anti-Pornography Act. Indigenous Papuans also appear to have less access to their right to adequate health care compared to most other Indonesians.
- Extrajudicial executions, 'disappearances', death threats and imprisonment on baseless charges of human rights defenders, church leaders, trade unionists, journalists and opposition politicians in the Philippines. This has also included a failure to provide an effective system of witness protection to end the impunity enjoyed by those who have carried out murders and disappearances.
- Murders and 'disappearances' carried out by both the security forces, paramilitary groups linked to the security forces and the LTTE in the civil war in Sri Lanka. This has been assisted by an erosion of the independence of human rights institutions within Sri Lanka and the failure of the Government of Sri Lanka to effectively investigate and prosecute such human rights abuses.
- That there is lack of fulfilment of economic and social rights across the Asia-Pacific region that result in 3.2 million child deaths, 200,000 maternal deaths and 820,000 deaths from AIDS and TB annually. While most countries are on track to turn around the threats of AIDS, malaria and TB, 18 out of the 29 countries in our larger region are not on

track to achieve the child mortality goal and 11 of the 17 countries with adequate data are not on track to reduce maternal mortality sufficiently.

National Human Rights Commissions can offer an institution that provides an independent check on the human rights performance of their government. However, the performance of such bodies within the Asia-Pacific region is mixed. Key factors in the performance of such Commissions appears to be the:

- degree to which they are free to make independent assessments and conduct investigations;
- powers the Commission has in being able to conduct independent investigations, such as being able to compel witnesses to appear and being able to demand documents;
- resources the Commission in question is provided with to conduct its work;
- level of expertise and experience of the staff making up the Commission in addressing human rights abuses; and
- The degree to which the personnel who make up the Commission are free from political influence.

The submitting bodies welcome the efforts that Australia is already undertaking to promote and protect human rights in the Asia Pacific region. We particularly welcome the Human Rights Fund, which provides funding to the UN Office of the High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions and funds AusAID's Human Rights Small Grants Scheme. We note that the Human Rights Small Grants Scheme supports grass-roots activities by non-government organisations, community groups and national human rights institutions, which aim to promote and protect human rights in a direct and tangible way.

UN Special Rapporteurs offer an independent and potentially effective way of putting pressure on governments to improve their respect for human rights.

The submitting bodies believe that while Australia has made efforts to promote universalisation of international human rights treaties within the Asia-Pacific region, the degree to which this has been pursued has been uneven. We believe more could be done with this regard. Australia's efforts to promote universalisation of the UN *Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* within the region could serve as a model for what could be done for other international human rights instruments.

The submitting bodies welcome the fact that the Australian Government recognises that it is not enough for governments in the region to simply sign up to human rights treaties, but that this must be backed by effective implementation of the treaties in question.

The submitting bodies welcome the commitment of AusAID to protecting and promoting human rights through Australia's overseas aid program. Further, we welcome the efforts to align the aid budget to the Millennium Development Goals (MDGs), which will assist in furthering the social and economic rights of impoverished people within our region.

The provision of adequate levels of overseas aid is about helping to facilitate that people in developing countries are more likely to have their economic and social rights upheld, in line with such human rights instruments as the *International Covenant on Economic, Social and Cultural Rights* and the UN *Convention on the Rights of the Child*.

The submitting bodies welcome the commitment of both the current and former Federal Governments to increase the overseas aid budget to \$4.3 billion by the 2009 – 2010 financial

year, and the commitment of the current Government to increase the aid budget to 0.5% of Gross National Income by the 2015-2016 financial year.

The submitting bodies welcome that the 2008 -2009 budget included an additional \$200 million over four years to strengthen partnerships with key UN development agencies, including UNICEF, the World Health Organisation, UNIFEM, UN Development Programme and UNAIDS.

2.1 Recommendations

1. The submitting bodies welcome the support the Australian Government provides to the Asia Pacific Forum of National Human Rights Institutions and asks that the Australian Government seek to enhance the role of this body in assisting National Human Rights Commissions to increase their effectiveness where such opportunities exist.
2. The budget for the Human Rights Small Grants Scheme should be increased to \$4 million in the 2009-2010 budget, which would make it 0.1% of the overseas aid budget. It should then be maintained at 0.1% of the aid budget and out of the increased funding should be greater allocation of staff time to increase the effectiveness of the expanded program. The Scheme could be enhanced by providing AusAID staff time to assist non-government organisations to make application to the Scheme. It is the Unit's understanding that this already happens to a degree, but could improved with increased resourcing.
3. The Australian Government should continue to seek to use what influence it has as a medium sized and respected middle power globally and a significant regional power in the Asia-Pacific region to engage with other nations with countries in the region to effective influence them towards the protection of basic human rights. The submitting bodies note that such influence will vary greatly across the region. Australia needs to continue with a policy of seeking the most effective way of promoting human rights with each country it engages with and it is clear there is no 'one size fits all' strategy that will work. However, at the same time the Australian Government should resist any temptation to use this flexibility as a reason not to engage countries in the region over human rights issues, despite the fact that raising human rights concerns may have an impact on trade relations or co-operation on anti-terrorism and transnational crime measures.
4. Australia should continue with its support of UN Special Rapporteurs as one mechanism for the defence and promotion of human rights, and to seriously consider where the establishing of additional Special Rapporteurs may be useful. In supporting UN Special Rapporteurs, Australia must ensure that its financial support of the UN allows for the effective establishment and maintenance of such positions.
5. Australia should continue to support and emphasise multilateral initiatives that promote and defend human rights, where it assesses the initiative in question is effective.
6. The Australian Government should have an on-going commitment to give financial support to the valuable work of International Program for the Elimination of Child labour through funding IPEC on an annual and on-going basis. Australia should make an annual contribution of US\$2.1 million as part of its obligations under ILO Convention No. 182 to provide assistance globally to eliminate the worst forms of child labour.
7. Australia should meet its commitment given to the UN that it will provide 0.7% of Gross National Income to overseas aid.

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3. Uniting Church Position on Human Rights

In the Uniting Church 'Statement to the Nation' at the Inaugural Assembly of representatives from across Australia in June 1977 the Assembly stated:

We are conscious of our responsibilities within and beyond this country. We particularly acknowledge our responsibilities as one branch of the Christian church within the region of South-East Asia and the Pacific. In these contexts we make certain affirmations at the time of our inauguration.

- * *We affirm our eagerness to uphold basic Christian values and principles, such as the importance of every human being, the need for integrity in public life, the proclamation of truth and justice, the rights for each citizen to participate in decision-making in the community, religious liberty and personal dignity, and a concern for the welfare of the whole human race.*
- * *We pledge ourselves to seek the correction of injustices wherever they occur. We will work for the eradication of poverty and racism within our society and beyond. We affirm the rights of all people to equal educational opportunities, adequate health care, freedom of speech, employment or dignity in unemployment if work is not available. We will oppose all forms of discrimination which infringe basic rights and freedoms.*
- * *We will challenge values which emphasise acquisitiveness and greed in disregard of the needs of others and which encourage a higher standard of living for the privileged in the face of the daily widening gap between the rich and poor.*
- * *We are concerned with the basic human rights of future generations and will urge the wise use of energy, the protection of the environment and the replenishment of the earth's resources for their use and enjoyment.*

Finally we affirm that the first allegiance of Christians is God, under whose judgment the policies and actions of all nations must pass. We realise that sometimes this allegiance may bring us into conflict with the rulers of our day. But our Uniting Church, as an institution within the nation, must constantly stress the universal values which must find expression in national policies if humanity is to survive. We pledge ourselves to hope and work for a nation whose goals are not guided by self-interest alone, but by concern for the welfare of all persons everywhere - the family of the One God - the God made known in Jesus of Nazareth the One who gave His life for others.

In the spirit of His self-giving love we seek to go forward.

Subsequent resolutions of Uniting Church bodies have built on these foundations and outlined in more detail the link between the Gospel and human rights. The key resolution on human rights and UN human rights instruments was passed by the National Assembly meeting in 2006 under the heading of "Dignity in Humanity", which is attached in full as Appendix A. The resolution committed the Uniting Church in Australia to support the UN human rights instruments and called on governments, specifically the Australian Government, to respect and implement the UN human rights standards.

4. Human Rights Landscape in the Asia-Pacific Region

The following section highlights some of the human rights concerns that Uniting International Mission and the Justice and International Mission Unit have encountered in the work they have done within the Asia – Pacific region. It is not an attempt to provide a comprehensive or complete picture of human rights issues within the Asia-Pacific region.

4.1 India

In India religious minorities in some parts of the country remain vulnerable to persecution and attack.

For example, on 20 March 2008 the Hindu nationalist government in Rajasthan (north-west India), Bharatiya Janata Party (BJP), passed a new, more stringent 'anti-conversion' bill extending punishment to those 'contemplating' converting others, though this excludes 're-conversion' to Hinduism. Rajasthan has a population of 56 million people, 89.2 per cent are Hindu. Muslims are around 4.7 million (8.3 per cent); Christians number 72,000 (0.07 per cent).

India's Freedom of Religion Acts, referred to as anti-conversion laws, are supposed to curb religious conversions made by "force," "fraud" or "allurement." But Christians and rights groups say that in reality the laws obstruct conversion generally, as Hindu nationalists invoke them to harass Christian workers with spurious arrests and incarcerations.

Soon after coming into power, the BJP in August 2004 lifted a ban on the distribution, acquisition and carrying of *trishuls* – sharp, three-pronged knives or tridents – often used in attacks against Christians. The Vishwa Hindu Parishad (World Hindu Council or VHP) openly distributes these tridents to its supporters. On 7 July 2004 the Rajasthan government withdrew 122 cases related to religion-related violence.

The Rajasthan government has restricted prosecution of VHP extremists who carry out attacks on other religious minorities.

On 23 August 2008 a Hindu leader, Swami Laxmanananda Saraswati of the Vishwa Hindu Parishad (VHP), and four other people were murdered by Maoist guerillas. However, Hindu nationalist extremists blamed the murder on the Christian community.

Hindu mobs went on a rampage in the state of Orissa, with an estimated 67,000 Christians being forced to flee their homes, women have been raped and burnt, a Catholic nun was pack raped, and priests have been tortured. More than 36 people were murdered in the violence and over 400 injured. Some reports from churches suggest that the actual number of people murdered could be in the hundreds. More than 150 churches and prayer halls were ransacked and desecrated. More than 30,000 Christians were forced to live in refugee camps or hide in the forests, including children from orphanages that were destroyed leaving the children without shelter. Even the refugee camps have been attacked by Hindu extremists, some of whom have attempted to poison the water supply to the camps.

The churches report that Christians captured by the Hindu extremists were being forced to convert to Hinduism. Hindu extremists threatened to murder all Christians in Orissa to wipe them from the state.

The violence spread to other states controlled by the Hindu nationalist Bharatiya Janata Party (BJP). In Madhya Pradesh, Hindu nationalists burnt down the 86-year-old St Bartholomew Anglican Church in Ratlam city.

On 30 September a mob of 3,000 Hindu extremists burnt 300 houses and three churches in Kandhamal, while police stood by and watched. One person was murdered and two required medical treatment.

Churches have expressed concern that they and related non-government organizations have been blocked from being able to distribute relief materials except through the Red Cross.

The churches have also complained that many innocent Christians have been taken into police custody and been subjected to inhumane methods of interrogation. At the same time the police refuse to register complaints by Christians when they have been the victims of criminal activity.

The Chief Minister of Orissa, The Hon. Navin Patnayak, promised a delegation of church leaders on 17 September that the Christians in the State will be protected and offered assurance that all possible efforts were being taken to restore peace and harmony in the State.

On 18 October, the Indian Prime Minister, Dr Manmohan Singh, met with the General Secretary of the World Council of Churches, Rev Dr Samuel Kobia, in New Dehli. The Indian Prime Minister stated that his government was committed “to restore normalcy” and curb attacks on Christians in the eastern Indian state of Orissa and other parts of India. The Prime Minister pointed out that the Indian constitution “guarantees freedom to practice and propagate one’s faith”. Besides promises to extend financial assistance from the federal government to rebuild destroyed and damaged churches, the Prime Minister said his government will support Christian families that have lost their dwellings and other possessions in the violence.

The federal government of India has sent 6,000 national police to the Kandhamal district of Orissa, at the request of the Orissa State Government.

The Prime Minister told Rev Dr Kobia that the federal government would spare no effort to ensure “freedom of worship” for Christians in southern Karnataka state, where Hindu groups are preventing evangelical groups that do not have their own centres from holding prayers in hired halls.

Hindu extremists have referred to what they regard as unethical activities by Christians seeking to gain converts as justification for their violent attacks against the Christian community. The widespread anti-Christian violence comes ahead of the national election scheduled for early 2009. It is widely interpreted to be part of a systematic campaign harping on conversion to gain voters’ support and consolidate a Hindu governing body.

At the time of making this submission, there continue to be worrying reports that the government of Orissa State is failing to take appropriate action to bring those responsible for the violence to justice. There are also allegations that the Orissa Government is hindering investigations that the Federal Government of India is attempting to carry out into the case in which a nun was raped and also into the burning of orphanages. The Orissa Government has stated that there will not be any compensation for churches that were attacked and destroyed by the violence.

4.2 Laos

The submitting bodies are aware of human rights violations being carried out by the Lao authorities against certain ethnic and religious minorities.

Amnesty International reports that thousands of ethnic Hmong are living on the run in mountainous jungle in Laos in constant fear for their lives. They are the descendents of rebel forces recruited by the CIA to fight against the communists when the Vietnam War spilled across the border into Laos. But despite no longer posing an apparent threat, they still are being targeted with significant force generations later by the Lao Government.

The Hmong live in scattered family and community groups in inhospitable regions and have to keep on the move in order to evade the Lao military, who have attacked them with semi-

automatic weapons and grenades, both inside their camps and when they venture out to search for food.

In April 2006, 26 Hmong were murdered, including 17 children, while foraging for food in a massacre carried out by Lao soldiers using rocket propelled grenades.

In another case, a young woman told how her family were captured in the jungle when she was 18. She was taken to a police post where she was locked in a room for a year with two other Hmong women. They were repeatedly gang-raped by the police and made to do domestic chores. After a year she managed to escape across the border to Thailand.

The daily struggle for survival is made worse by a severe shortage of food. The jungle-dwelling Hmong cannot cultivate crops because they would be too easily detectable, particularly from the air. They avoid picking visible quantities of wild fruit and do not hunt animals. Instead groups spend up to 18 hours each day foraging for roots and husks.

Recently arrived asylum seekers and refugees in Thailand, as well as people captured on video footage from the jungle, show signs of malnutrition, particularly the children, who display the tell-tale swollen bellies and bleached hair.

The Lao Government forbids journalists and human rights groups access to the part of Lao that the Hmong are thought to be hiding in.

On 22 February 2008 officials from the Laos government arrested 15 Christian families from the Hmong ethnic group in Bokeo district. Authorities arrived in Ban Sai Jarern village with six trucks and hauled away eight Christian families. Seven other families from the neighbouring Fai village were also taken. In total 58 Christians were arrested.

The next day, nine other Hmong church leaders were sentenced to 15 years in prison for conducting Christian meetings which had grown too large.

Reports indicate that recently at least 90 Christians in three provinces have been detained – the southern provinces of Saravan and Savannakhet and the northern province of Luang Prabang.

On 21 July 2008, officials detained 80 Christians in Katin village, Saravan province, after residents seized a Christian neighbour identified only as Pew and poured rice wine down his throat drowning him.

When the mourning family members buried the Christian and put a wooden cross on the grave, village officials accused them of “practicing the rituals of the enemy of the state” and seized a buffalo and pig from the family as a fine.

On 25 July 2008, officials rounded up 17 of the 20 Christian families in the village, 80 men, women and children, and detained them in a local school compound, denying them food for three days in an attempt to force the adults to sign documents renouncing their faith.

As their children grew weaker, 10 families signed the documents and on 30 July 2008 were allowed to return home.

The remaining seven families were evicted from the village and settled in an open field outside the village, building small shelters and surviving on food found in the nearby jungle.

Pastor Sompong Supatto (aged 32), Boot Chanthaleuxay (aged 18) and Khamvan Chanthalauxay (aged 18), three Christians from a house church in Boukham village,

Savannakhet province, were held in handcuffs with their feet in stocks at Ad-Sapangthong district police detention cells from 3 August to 16 October 2008 after being arrested for refusing to sign papers renouncing their faith. They had been threatened several times previously but had continued to practice their faith regardless.

Those Hmong who flee to Thailand face the risk of illegal deportation back to Laos by the Thai authorities, where they face torture and ill-treatment, despite Thailand having offers of resettlement for Hmong refugees from countries including Australia.

After Thailand signed a bilateral agreement with the Lao Government in May, 163 Hmong were driven in trucks across the border into Laos. Amnesty International expressed concern that this forcible return took place in breach of international human rights law and standards.

In January 2007 Australia, the US, Canada and the Netherlands agreed to resettle 153 Hmong refugees. In February 2007 the then Minister for Foreign Affairs announced that Australia would increase its acceptance of Hmong refugees from Laos from 84 to 200, taking them from refugee camps in Thailand.

4.3 The Pacific

The approach to human rights in the Pacific needs to take account of the communal and environmentally respectful nature of Pacific cultures. The Pacific emphasis on community and relationships in human rights needs particular recognition, modifying a western tendency towards individualistic emphases. This traditional communal understanding is often reflective of how the Church understands rights.

Our partners in Kiribati, the Kiribati Protestant Church, and in Tuvalu, Ekalesia Kerisiano Tuvalu, are most concerned about the impact of climate change. They anticipate the need to relocate in the near future. Pacific churches, including the Uniting Church in Australia, are discussing with them what support can be given. They face the challenging situation where neither country's government seems ready to begin planning.

The impact of rising sea levels represents a fundamental challenge to the human rights of people in those nations. They face the loss of their very nationhood, culture and language. Some Tuvaluans say that once they leave their own land, they will cease to be Tuvaluan and will adopt the identity of the country to which they are shifted. Such displacement is not so neatly imagined nor, in our view, is it advisable. We believe that culture and language come as gifts from God and need to be respected and valued in the countries to which they go.

The challenge for the Australian Government is to be an active supporter of Kiribati and Tuvalu, and to work with them in enabling a shift of population that offers the best opportunity for valuing what is best about those two countries in a new host nation.

Human rights provides one framework for addressing the issues that will be involved in relocation.

Fiji faces the prospect of continuing military rule with the present interim government remaining in power for some time. Our partner, the Methodist Church in Fiji and Rotuma, is a key participant in developing national identity and wellbeing. The Methodist Church in Fiji and Rotuma has strongly objected to the coup, the interim government and the proposed charter. The human rights of civil society groups, the press and individuals critical of the government have been breached. Shortly after the coup, church leaders were subjected to intimidation.

The Methodist Church in Fiji and Rotuma recognises that it needs to play a creative role in Fiji's future and that the causes of the present difficulties need to be addressed. The church

calls for a thoughtful approach that seeks to address the deeper issues that have been part of Fiji since colonial times. Those deeper issues can only be adequately addressed with the full involvement of the churches. Australia's role is not to intervene in any direct way, but to support groups that are seeking to address those deeper issues. Australia can assist churches and civil society groups that build mutual understanding, address underlying tensions and are helping to develop an inclusive, fair and equitable society.

Throughout the Pacific, the church has a central and major role. It promotes ethical principles and values, provides support and encouragement, offers reflection on societal developments, influences culture, helps build community and serves and protects society. No real honouring of human rights can exist in the Pacific without the full engagement and support of the churches.

The Uniting Church works in collaboration with its Pacific partners, and with regional bodies such as the Pacific Conference of Churches and other ecumenical bodies, to promote human rights.

For example, the Uniting Church believes Pacer-plus, the trade negotiations signalled by the Australian Government, have potential to impact the human rights of Pacific nations, including their cultures and spiritualities. In response to initiatives from the Pacific Conference of Churches, the Uniting Church has adopted a Trade Justice policy that raises these and other issues for consideration by the Australian Government.

4.4 Papua¹

While recent UN reports identify an improvement in human rights abuses across Indonesia, Papua remains an exception. Reports concerning arbitrary detention, torture, harassment through surveillance, interference with the freedom of movement, interference with human rights defenders efforts to monitor and investigate human rights violations and the excessive use of force on civilian populations by the security apparatus are all common in Papua.

UN Special Rapporteur on Torture, Manfred Nowak presented a report to the UN Human Rights Council in Geneva on 7 March 2008. Mr Nowak found that torture and other forms of inhuman treatment or punishment of prisoners, including severe beatings, is widespread. He highlighted "the use of excessive force by security forces" particularly in relation to "sweeping" operations by paramilitary police units (BRIMOB) in search of alleged independence activists and their supporters or raids on university boarding houses. Mr Nowak also raised concerns over the heavy restrictions placed on travel within Papua as this restricts the flow of information that is critical to the protection of human rights.

In June 2007 the UN Special Representative of the Secretary General on the Situation of Human Rights, Hina Jilani, visited Indonesia and spent time in Papua. Ms Jilani expressed concern over travel restrictions and movement within Papua, especially in relation to the National Human Rights Commission and their ability to investigate human rights violations. She was particularly disturbed by allegations that human rights defenders who expose abuses and other forms for human rights violations committed by the security apparatus are often labelled as "separatists" in order to undermine their credibility.

¹ We refer to "Papua" as the western half of New Guinea is that is part of the Republic of Indonesia. The other half of the island forms the independent nation of Papua New Guinea. We recognize there is often a degree of confusion here as some refer to the Indonesian side as "Papua" while others refer to "West Papua". Now the region (once a single province within the Republic of Indonesia) has now been divided into two provinces with the eastern province called "Papua" and the western province called "West Papua". Ideally we should now refer to "Papua" and "West Papua" when referring to the Indonesia part of the island of New Guinea.

Following Ms Jilani's departure, Papuans who met with her were subjected to threats and intimidation. The Asia Human Rights Commission claims to have received credible information and this includes reports of intimidation, surveillance, threats and attacks against human rights defenders. Two workers with the Catholic Justice and Peace Commission in Jayapura, Frederika Korain and Perinus Kogoya, met with Ms Jalani and subsequently were subjected to surveillance. Shortly afterwards their car was rammed by blue Kijang automobile carrying police number plates.

The Executive director of the Institute of Research, Analysis and Development for Legal Aid, Yan Christian Warinussy, met with Ms Jalani on 9 June and subsequently was subject to constant surveillance by unknown persons. He then received several text messages that contained death threats for him and his family.

Surveillance and intimidation, including ongoing death threats directed at individuals and their families are an ongoing experience for many human rights defenders, church and community leaders. Leaders of the Evangelical Christian Church in Land of Papua experience these things on a day by day basis. Rev John Barr of Uniting International Mission has also been subjected to harassing phone calls by unknown persons and, while visiting Papua, has been subjected to surveillance.

Congressman Eni Faleomavaega, Chair of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, together with Congressman Donald Payne have raised Papua's status within Indonesia with the UN, claiming the conditions of the 1962 "New York Agreement" offered Papuans the right to participate in an "act of self-determination". They claim the choice actually did not take place. This claim led to a petition by 37 United States Congress Members involving a letter to the UN Secretary General. This letter requested the UN to review its action in accepting the outcome of so-called "Act of Free Choice:" in 1969 that incorporated Papua into the Republic of Indonesia.

In November 2007 Congressman Faleomavaega travelled to Papua with the US Ambassador. The Congressman had been prevented from visiting Papua on two other recent occasions (July and August 2007). In December 2007 his travel was severely limited with meetings in Biak limited to two hours and a meeting of just ten minutes taking place in Manokwari. Congressman Faleomavaega wrote to the President of Indonesia, Susilo Bambang Yodhoyono on 13 December 2007 and raised concerns about the imposed restrictions together with the presence of "heavily armed military" who had "no intention of honoring the commitment that President SBY and I had made in Jakarta in July of this year."

Two months later Congressman Faleomavaega and Congressman Payne wrote to the UN Secretary General raising concerns about Indonesian security forces and the impunity they receive from prosecution for human rights abuses and corruption. The letter also noted a claim made the UN Special Advisor on the Prevention of Genocide, Juan Mendez, in 2006 that described Papua as being among those countries whose population were "at risk of extinction." Congressman Faleomavaega and Congressman Payne refer to restrictions placed on journalists, human rights activists and diplomats trying to access Papua.

During the latter part of 2008 concern is again being raised about the excessive use of force by Indonesian security forces. On World Indigenous Day (9 August) a large gathering took place in the Wamena in the Baliem Valley. The Morning Star Flag was raised together with a UN flag, an Indonesian flag and a flag bearing the letters "SOS". Police opened fire on the group using live ammunition and Opinus Tabuni was found dead in the crowd with a bullet wound to his chest.

On 15 October the group, International Parliamentarians for West Papua, was officially launched in London. Rallies and demonstrations took place across Indonesia. Meanwhile the Chair of the Committee for International Parliamentarians for West Papua, Buchtar Tabuni, was detained along with 17 other Papuans and forced at gun point into police cars. Their legal representatives claim Tabuni and the others were beaten and Tabuni is being interrogated on suspicion of subversion.

Plans were made for a demonstration in Jayapura on 16 October. However Indonesian security forces intervened. A former member of the Operasi Papua Merdeka, Yosias Syet, was found dead in his home. Syet was aged 46 years. He was involved in preparations for a demonstration while being in charge of security for the head of the Papuan Customary Council, Fokorus Yaboisembut. A subsequent autopsy found that Yosias Syet had been bashed to death. The murderer left no evidence and many consider this murder to have been carried out by professional killers. This incident reminds us of the murder of the Papuan customary leader, Theys Eluay, by Indonesia Special Forces (Kopassus) some seven years ago. Indeed, many consider Syet's death to be a warning to Fokorus Yaboisembut and other local Papuan leaders.

Threats and intimidation are currently being directed against church leaders. The Chair of the Communion of Churches in Papua, Rev Socrates Sofyan Yoman and the Chair of the North Biak Presbytery (Evangelical Christian Church in the Land of Papua), Rev Esron Abisay, are being targeted. Rev Herman Awom, former Deputy Moderator of the Evangelical Christian Church in Land of Papua is also under scrutiny by intelligence and security forces.

Our partner Church in Papua, the Evangelical Christian Church in the Land of Papua, is engaged in human rights monitoring and investigations through its Justice, Peace and Integrity of Creation Unit. An area of mounting concern relates to the 2001 Special Autonomy Bill for Papua and its implementation. Our partner church believes conditions related to this bill's implementation have been so compromised that the process is now a failure. In February 2008, Papua's religious leaders lost faith and declared Special Autonomy to be a "total failure". They see Special Autonomy as having a disastrous impact on Papua's future.

This is not a marginal point of view in Papua as the present Governor, Barnabas Suebu, recently indicated the implementation of Special Autonomy in Papua remains "very chaotic". Reports from bodies such as the National Commission on Violence against Women demonstrate Special Autonomy has little, if any, impact on the socio-economic and political conditions of indigenous people in Papua. Meanwhile debates in the provincial Papua Parliament indicate massive amounts of government funding remain unaccounted for while poverty, poor nutrition and alarming rates of illiteracy continue to impact on local communities.

The attempted implementation of Special Autonomy in Papua has been met with fundamental contradictions. Special Autonomy is meant to unite the country and provide Papuans with an identity and purpose for the future. However, the central government has violated the conditions of Special Autonomy by dividing Papua into two separate provinces and creating a number of new districts (or kabupatans).

Passage of the Anti-Pornography Bill through the Indonesian national parliament on the 30 October has raised further concerns. Papuan Christians interpret this bill as an attempt by Indonesia's Muslim majority to undermine minority cultures and force conservative Islamic views on the entire population. The Anti-Pornography Bill embraces a very broad definition of pornography and there are fears this legislation will be abused by law enforcement officers and be used by radical Islamic groups like the Islamic Defenders Front to crush Papuan culture (style of dress, artistic expression etc.). Significantly, the anti-pornography legislation is seen to be a form of religious discrimination that is directed against religious minorities in

Indonesia. The Bill, therefore, is seen to undermine the spirit of diversity and tolerance that is so critical to the nation's survival.

On 3 November representatives of the ecumenical Papuan Communion of Churches (representing 40 denominations in Papua) declared their opposition to the Anti-Pornography Bill in a meeting with members of the provincial House of Representatives in Jayapura. Church leaders in Papua also declared they are prepared "to quit the unitary state of the Republic of Indonesia" over this issue because the Anti-Pornography Bill in its present form actually undermines the unity of the Republic. The churches in Papua are now declaring their position after many years of waiting. They now believe the next step is to take the issue to the international community.

While political factors are important, a key issue in terms of Papua's future concerns the overall health and well being of the community. Personal conversations by Uniting International Mission staff with local pastors and with church leaders in September 2008 on this issue indicated a serious situation developing. Few Papuan communities beyond major urban centers receive adequate medical support and having their right to adequate health care fulfilled. Clinics are either understaffed or (in most instances) lack equipment and supplies of drugs. This is critical human rights issue.

A particular case in the mountainous interior highlights the issue. Reports in the Dogiyai District indicate an outbreak of cholera (due to inadequate and polluted water supplies) has killed 239 people this year. Medecins du Mandé Papua report higher numbers and a recent Asia Human Rights Commission Report claims the government is not taking appropriate action to curb the situation. Repeated requests are receiving no response. This appears to be situation across much of Papua.

The medical coordinator of Medecins du Mandé Papua, R van de Pas raised the issue in an editorial of the Royal College of Physicians of Edinburgh (March 2008). Uniting International Mission were informed that indigenous Papuans will become a minority in their own country by 2011. This is due to rapid and unchecked migration from other parts of Indonesia together with the appalling standards of health care. .

R van de Pas wrote:

"The native Papuan inhabitants are slowly being outnumbered by immigrants from the rest of Indonesia and face the same fate as the aboriginals in Australia, that of becoming a marginalized minority group. Demographic data indicates that Papuan indigenous groups comprised 96% of the population in 1971; this had fallen to 59% by 2005. Using the estimated growth rates for the Papuan and non-Papuan populations, 1.7% and 10.5% respectively, by 2011 the population will be 3.7 million, and Papuans will be a minority of 47.5%.

Public health indicators, although incomplete, suggest that the general health of Papuans is very poor. Malaria, upper respiratory tract infections and dysentery are major causes of childhood morbidity, with infant mortality ranging from 70 to 200 per 1,000 live births a year. More than 50% of children under the age of five are undernourished and immunization rates are low. Maternal mortality is three times the rate of women in other parts of Indonesia. A generalized HIV/AIDS epidemic is unfolding in the province. The cumulative AIDS case rate in Papua of 60.9 per 100,000 inhabitants is 15.4 times higher than the national average. Prevalence of HIV among ethnic Papuans is almost twice as high as the prevalence among non-ethnic Papuans – 2.8% compared with 1.5%."

HIV/AIDS is also a critical factor with the number of cases dramatically increasing. World Health Organisation reports indicate rates of HIV infection in Papua are 20 times the

Indonesian national average of 2 per 100,000 and the estimated number of HIV infections in Papua is between 8,000 and 14,000 or about 0.6 to 1.00% of the total adult population (2005 figures).

4.5 The Philippines

The Philippines is a signatory to a number of international covenants protecting human rights and has its own Bill of Rights enshrining this protection in domestic legislation. Despite this legal protection, human rights violations have been a constant presence in the Philippines, especially in the context of internal conflicts in Mindanao and with the New People's Army in many parts of the Philippines.

The 2005 Annual Report of Amnesty International stated that "Serious defects in the administration of justice, particularly the lack of effective investigations and fair trial safeguards, undermine the right of victims of human rights violations to redress." Amnesty International also concluded that "Despite an extensive array of institutional and procedural safeguards, suspected perpetrators of serious human rights violations were rarely brought to justice." They further found that "Victims from poor or marginalised communities, when faced with physical threats combined with "amicable" financial settlements, frequently abandoned attempts to seek redress."

The US Bureau of Democracy, Human Rights and Labor in their report on human rights practices on countries around the world stated in their report released on 8 March 2006 that "some elements of the security forces committed human rights abuses."

Common among those who have been murdered or have disappeared in the Philippines in the term of the current President of the Philippines, is that they were persons critical of the government, upholding principles of justice and human rights. Notable is the number of journalists who have been killed, 37 of whom had been murdered between the time President Arroyo took power in January 2001 and December 2005.² Whilst President Arroyo has ordered an investigation in relation to the killings of journalists progress on the cases has been minimal.

Failure by the state to thoroughly investigate cases and a lack of protection for witnesses hinders the ability to progress cases of human rights abuses. Furthermore, an increase in judicial fees and a lengthy judicial process has made it more prohibitive to file cases against perpetrators of human rights violations.

The U.S Department of State reported on 8 March 2006 that police and anti-government insurgents committed a number of arbitrary and unlawful killings and that summary killings by vigilante groups in two major cities increased where local officials seemed to condone and even encourage the killings. The Commission on Human Rights of the Philippines (CHRP) investigated 381 complaints of killings between January and September 2005, compared with a total of 307 complaints of killings during 2004. The CHRP included killings by anti-government insurgents in its investigations, although the majority of the cases involved the security forces and local officials. The Commission on Human Rights suspected Philippine National Police members in a majority of the human rights violations including deaths that it investigated during the year.³

The US Department of State report further found that "The courts and police failed to address adequately complaints of victim's families concerning past disappearances in which security

² 2005 Media Death Toll Tops 100 After Tenth Journalist Killed in the Philippines December 3 3005 International Federation of Journalists <http://www.ifj-asia.org/page/philippines051203.html> 24/4/06

³ U.S Department of State "Philippines" Country Report on Human Rights Practices 2005 <http://www.state.gov/g/drl/rls/hrrpt/2005/61624.htm> 8 March 2006

forces were suspected.” The report further found that human rights organisations “continued to encounter occasional harassment, mainly from security forces or local officials from the area in which [human rights] incidents under investigation took place.”

These conclusions are in contrast to the claim by the Government of the Philippines that it “is dead serious to put a stop to these senseless killings and it seeks the cooperation of all stakeholders, whatever their ideological stripe.”⁴

In August 2006, the Justice and International Mission Unit and the South Luzon Jurisdictional Area of the United Church of Christ in the Philippines (UCCP) released a joint report, *Getting Away with Murder*, which documented the murders of 14 members and ministers of the UCCP between 2004 and 2006 in which the security forces were involved or were likely to have been involved based on the nature of the murder.

In 2006 the Government of the Philippines came under significant international pressure to address the extrajudicial killings, with a report released by Amnesty International and pressure from donor countries including Australia. UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Professor Philip Alston visited the Philippines for 10 days in February 2007. He condemned the Philippines military for denying direct involvement in hundreds of politically motivated murders of human rights defenders, church workers, journalists, lawyers, trade unionists, and left wing politicians. He said “The AFP [Armed Forces of the Philippines] remains in a state of almost total denial of its need to respond effectively and authentically to the significant number of killings, which have been convincingly attributed to them....The President needs to persuade the military that its reputation and effectiveness will be considerably enhanced, rather than undermined, by acknowledging the facts and taking genuine steps to investigate.”

Professor Alston said that government officials had dismissed reports of the murders as “propaganda”. He said that the military and other government officials had “relentlessly pushed” the theory that the murders were the result of a purge within the Communist Party of the Philippines and the New People’s Army. But “the evidence offered by the military in support of this theory is especially unconvincing”, said Professor Alston.

Professor Alston called for the strengthening of the witness protection program in order to address “the problem of virtual impunity that prevails.” “The present message is that if you want to preserve your life expectancy, don’t act as a witness in a criminal prosecution for killing”, he said.

In response to a call from Professor Alston to do so, President Gloria Macapagal-Arroyo has agreed to publicly release the report of the Melo Commission that she set up to investigate the politically motivated murders in the Philippines.

However, the reaction of the Philippines Secretary of Justice, Raul Gonzalez, was to launch a personal attack on Professor Alston stating that he believed that Professor Alston had been brainwashed by leftist groups. Mr Gonzalez said that the witness protection program in the Philippines was adequate and that Professor Alston “does not know what he’s talking about”. This contradicts sharply the experience of the UCCP, who have members in hiding or unwilling to testify in murder cases due to the inadequacies of the witness protection program.

Under the international pressure the President of the Philippines announced:

⁴ Secretary Ignacio R Bunye, Government of the Philippines, ‘Extrajudicial killings’, <http://www.gov.ph/news/?i=15333>, 2 June 2006.

- That the Department of Justice would broaden and enhance the government's witness protection program to cover all witnesses to unexplained killings of an ideological/ political nature.
- The Department of National Defence and the Armed Forces of the Philippines shall urgently develop an updated document on Command Responsibility.
- The Department of Justice, Department of National Defence and the Commission on Human Rights shall constitute a Joint Fact-Finding body to delve deeper into the alleged involvement of military personnel in unexplained murders.
- The creation of Special Courts for the trial of charges in cases of unexplained murders of a political/ ideological nature.
- The Department of Foreign Affairs shall submit a formal proposal to the European Union, Spain, Finland and Sweden to send investigators to assist the Melo Commission. These countries had already expressed interest in assisting the Melo Commission.

In February 2007 the President has also announced that a further 25 million pesos (\$0.67 million) will be provided to the Commission on Human Rights in the Philippines, but it is not clear over what time frame the funding will be provided and if the increased funding will be on-going.

In late May 2007 the Australian Government announced that they would be providing \$250,000 in grants for human rights projects in the Philippines.

With the actions taken by the Philippines Government, the number of murders linked to the security forces appears to be decreasing, with at least 33 people being murdered in such circumstances in 2007 according to Amnesty International. In previous years the number of suspected extrajudicial executions had been in the low hundreds. However, arrests, disappearances and harassment of human rights defenders and left-wing politicians continue.

Further, the issue of impunity for human rights abuses remains to be addressed. Human Rights Watch pointed out that only in two cases of murders involving the security forces have members of the security forces been brought to justice. They also point out that police are often reluctant to investigate such cases and the cases continue to be undermined by a weak witness protection program, so witnesses are reluctant to testify in such cases.

Amnesty International has pointed out that the Philippines has an adequate legislative framework for protecting witnesses.⁵ The *Witness Protection Security and Benefit Act (1991)* does provide witnesses and close family members with housing, relocation and/or change of personal identity expenses, as well as a means of livelihood and medical treatment, but this rarely happens in practice. There are long court delays and protection is withdrawn if the case is unsuccessful, despite continuing threats. Amnesty International states that this is in clear violation of international law and standards, which provide for the protection of witnesses whenever and for as long as such protection is necessary, irrespective of the outcome of judicial or other proceedings. Penalties against those who harass witnesses (approximately US\$65 and/or imprisonment of six months to one year) have proved an inadequate deterrent.

Of the 18 cases of members or ministers within the UCCP being murdered between 2004 and 2008 in circumstances involving members of the security forces or suggestive of their involvement, in only one case has a perpetrator been brought to justice.

⁵ Amnesty International, "Witnessing Justice – Break the Chain of Impunity", ASA 35/0003/2008, July 2008.

The security forces, with the collusion of certain courts, appear to have changed tactics and appear to be making greater use of charging human rights defenders, trade unionists and those involved with left-wing political parties with serious criminal offences for which there is no evidence that the accused has been involved with the offence. The result is that the people accused can spend prolonged periods in detention before a court eventually dismisses the case against them for lack of evidence.

For example, Pastor Berlin Guerrero, aged 46, of the United Church of Christ in the Philippines (UCCP) was abducted at gunpoint on Sunday 27 May 2007 by members of the Naval Intelligence Security Force and two police officers. Pastor Guerrero was travelling with his family, wife (Mylene) and three children, after leaving a local church in which he serves. The motor tricycle they were travelling in was cut off by a white van. The van had its number plates covered. The members of the security forces stole Mylene's bag, mobile phone, laptop and the money collected in the church service they had come from.

Pastor Guerrero was forced into the van and had a cloth placed over his head and he was beaten, punched and kicked repeatedly on the journey. He was taken to an unknown location and tortured by being beaten with fists and blunt objects and having a plastic bag placed over his head until he fell unconscious twice. His abductors also threatened to abduct his wife and daughter and rape them in front of him.

Those torturing him were able to force him to give them the names and addresses of his family, members of his church, the name of the administrator at the Union Theological Seminary and leaders of local labour right and peasant organizations. They tortured him to extract the password for his computer and wiped off all his church, school and personal files, replacing them with incriminating files. Pastor Guerrero was threatened with death and being burnt.

He was taken to Camp platoon Garcia, Cavite Provincial Police Office, Imus, Cavite when they finished torturing him and has been placed under arrest with charges of murder and sedition. The warrant for 'Inciting to Sedition' was issued in 1988. This related to a warrant that was issued when Pastor Guerrero was arrested on 1 May 1988 at a Labour Day rally when he was Secretary General of the Bagon Alyansang Makabayan, an organisation of farmers, workers, youth and women. He was detained in 1988, but put up bail and was released. Nothing further happened after his release in 1988.

The warrant for murder was issued by the Regional Trial Court No. 19 at Bacoor, Cavite. The murder was supposed to have taken place in 1991 and the arrest warrant was only issued in 1993.

Police initially denied that he was in detention and then later, on Monday 28 May, admitted that Pastor Guerrero had been arrested. The Commission on Human Rights in the Philippines concluded in a report on 31 May 2007 that the injuries that Pastor Guerrero had sustained in custody "satisfies the criteria for torture as defined under the UN Convention Against Torture".

On 25 September 2008 the Philippines Court of Appeals completely dismissed the case against Pastor Berlin Guerrero, having previously released him on 11 September for a complete lack of evidence connecting him to the crimes he was accused of. Yet he spent over 15 months in prison on what were determined to be baseless charges.

In another case, UCCP pastor Francisco Bunuan was released from prison on 4 September 2008, after five months imprisonment, after the Bangued Regional Trial Court found there was insufficient evidence to connect him with the murder of former priest Conrado Balweg. He was the fifth church person or human rights defender to have been accused by the

Philippines police of the murder. Others who had been accused of the murder included church worker Lorna Rivera-Baba and UCCP Pastors Emelyn and Noel Dacuycuy. In all these cases the courts have dismissed the charges for lack of evidence. Conrado Balweg was murdered in 1999 and the armed opposition group, the New People's Army, had claimed responsibility arguing that his murder was punishment for "his crimes against the people".

Pastor Melchor Abesamis, of the Southwest Philippines Annual Conference of the United Methodist Church, has been charged with murder and attempted murder in October 2008, along with dozens of human rights defenders, trade unionists, people who have made accusations of human rights violations by security forces and members of opposition political parties. It is reported that on 27 October in a court proceeding against human rights lawyer Remigio Saladero, the provincial prosecutor Josphine Caranzo-Olivar admitted that no preliminary investigation was conducted when 71 people were added to charges being brought against Rustum Simbulan. Rustum Simbulan has been charged with involvement with a New People's Army ambush in Puerto Galera, Mindoro Oriental on 3 March 2006.

This is not the first time charges lacking any substance have been brought against Pastor Melchor Abesamis. In March 2008 he was charged with murder and theft through the Regional Trial Court in San Jose, Occidental Mindoro, allegedly connected with an ambush conducted by the New People's Army on 10 May 2007. Pastor Abesamis was arrested on 16 March and detained pending the resolution of the charges brought against him. In May 2008 a court threw the case against him out for lack of merit and he was released from detention.

4.6 Sri Lanka

The human rights situation in Sri Lanka is largely dominated by the context of the on-going civil war. The war is estimated to have claimed at least 70,000 lives since 1983.

The UN Special Rapporteur on extrajudicial killings, Professor Philip Alston has stated that both the Government of Sri Lanka and the Liberation Tamil Tigers of Eelam (LTTE) carried out what they hoped were deniable human rights abuses through the use of proxies, the subversion of accountability mechanisms and disinformation that shifts blame during the period of the Cease Fire Agreement reached in 2002. In his view, this committing of 'deniable' abuses was for the purpose of maintaining international support. In his words "Both parties seek the moral high-ground of being a defender of human rights, but they believe that this moral high-ground can be reached without actually respecting human rights in practice." Professor Alston took the view that "The time has come for the establishment of a full-fledged international human rights monitoring mission. This mission must conduct in-depth investigations throughout the country, report publicly on its findings and report to a neutral body." The Sri Lankan Government repeatedly resisted efforts to allow UN officials free and full access to Sri Lanka to make thorough assessments.

Human Rights Watch stated that both the Government of Sri Lanka and the LTTE exploited rather than dampened the rising communal violence between Tamils, Sinhalese and Muslims. They reported that the LTTE directly targeted civilians with Claymore mines and suicide bombings, and summarily executed people in their custody. Between 2002 and 2006, Human Rights Watch stated that the LTTE was implicated in more than 200 targeted murders, mostly of Tamils viewed as being political opponents.

In February 2008 the Government of Sri Lanka formally withdrew from the Ceasefire Agreement. Since the government formally withdrew from the Cease Fire Agreement, Amnesty International has reported that attacks on civilians have intensified. Civilians are now extremely vulnerable because both parties no longer have to keep up the pretence of keeping a truce. Amnesty International reports indicate the LTTE has intentionally attacked civilians to pressure the government. The Sri Lankan Air Force and army have a record of bombing and bombarding civilian areas.

The Cease Fire Agreement had failed to include mechanisms to protect civilians from human rights abuses.

Local government officials and UN representatives have confirmed that more than 15,000 families (up to 50,000 people) have been displaced in the recent fighting in July alone. This figure is in addition to the 106,000 who were already displaced prior to the latest conflict. In their written statement to the 9th session of the UN Human Rights Council, Amnesty International stated that since May 2008, more than 70,000 people had been forced to flee their homes, primarily in the Kilinochchi and Mullaitivu districts, due to government aerial bombardment and artillery shelling. Further the LTTE were hindering the ability of the displaced people to move away from LTTE held areas. In Amnesty International's view, the LTTE appears to use displaced populations as a buffer against government forces, in violation of international humanitarian law.

Kidnapping, enforced disappearances, torture and extra-judicial killings are often linked to groups with suspected relationships to the Sri Lankan military. Human Rights Watch estimated that there were more than 550 extrajudicial executions in the north and east of Sri Lanka and more than 350 'disappearances' between January and June 2007. The International Crisis Group argues that Sri Lanka's long history of failing to investigate and prosecute such human rights abuses causes the cycle to be endlessly repeated. In their words "The many ad hoc commissions of inquiry of the past two years have accomplished nothing, while disappearances and political killings continue, especially in Jaffna and other parts of the north."⁶

For example, on 6 August 2006, the bodies of 15 workers from the French aid agency *Action Contre la Faim* (Action Against Hunger, ACF) were found murdered execution style, within their compound in the town of Muttur in eastern Sri Lanka. Two days later two more bodies of ACF workers were found in a care nearby. All 17 of those murdered, 16 Tamils and one Muslim of whom four were women, were wearing ACF t-shirts. Both government forces and the LTTE blamed each other for the massacre. However, it appears that government forces had retaken control of Muttur at the time of the murders. Government commanders prevented ACF staff from accessing the area to retrieve the bodies.

On 14 September 2007 the International Commission of Jurists expressed deep concern about the apparent lack of progress made by the investigation into the murders of the ACF workers. In their words "We have raised concerns about significant flaws in the police investigation, an investigation that has lacked impartiality, transparency and effectiveness".

Victims of the fighting suffer from serious shortages of food, water, sanitation facilities and proper healthcare. People live without adequate shelter. Shortages are exacerbated by government embargoes on aid provision and fuel. The military only allows limited access to areas for humanitarian agencies, especially international aid agencies, including the UN. Fuel quotas also limit the mobility of humanitarian agencies. The Australian Council for International Development has indicated that in the north of Sri Lanka up to 40% of children are malnourished as a result of the shortages.⁷

The strategy of the Sri Lankan Government to seek a purely military solution to the conflict in Sri Lanka is likely to set the stage for further large scale human rights abuses for years to come. As stated by the International Crisis Group "Even assuming the Tigers can be

⁶ International Crisis Group, "Sri Lanka's Return to War: Limiting the Damage", Executive Summary and Recommendations, 20 February 2008, p. 2.

⁷ Australian Council for International Development Media Release, "Sri Lanka – Time for Australia's Voice to be Heard", 9 September 2008.

defeated militarily, it remains unclear how the government would pacify and control the large Tamil-speaking areas in the north that have been under LTTE domination for a decade or more.”⁸

A number of national institutions that protect the human rights of citizens have lost independence. The deterioration of the independence of the judiciary is also a serious concern. The alleged politicisation of the Supreme Court is a pivotal factor in the current situation. The Human Rights Commission has wide-ranging powers, but currently has limited value because of its lack of independence.

In order to give national institutions more independence from the power exerted by the President, the Parliament introduced the 17th Amendment of the Constitution in 2001. This amendment established the Constitutional Council and enabled it to nominate members of several bodies, including the Human Rights Commission, the National Police Commission, the Public Service Commission and the Bribery Commission. Upon receiving the recommendations the President is mandated to appoint the members. In March 2005 the term of six of the ten members of the Constitutional Council expired. President Rajapaksa has not facilitated the process to put in place the new Council members. The Council is now effectively defunct. The President has subsequently made his own appointments to the various Commissions.

In June 2008, the Sri Lankan government reported to the UN Human Rights Council in response to recommendations regarding concerns about the human rights record of the country. The Sri Lankan Government accepted 45 recommendations for action and declined to accept 26 recommendations. It also advised the Council of plans to develop a national human rights plan for the promotion and protection of human rights. It refused to accept a recommendation stipulating that it invite an independent UN human rights monitoring mission to Sri Lanka.

4.7 Economic and Social Rights across the Region

This year in our immediate region of South East Asia and the Pacific 400,000 children under the age of 5 will die, mainly from preventable causes, 34,000 women will die from causes related to pregnancy and child birth and around 230,000 people will die of the major infectious diseases of AIDS and TB.

If we include the neighbouring countries of South Asia these numbers grow to 3.2 million child deaths, 200,000 maternal deaths and 820,000 deaths from AIDS and TB.⁹

There has been significant progress in the region in reducing these terrible statistics, however as Table 1 below shows the progress in achieving the Millennium Development Goals (MDGs) has been mixed. While most countries are on track to turn around the threats of AIDS, malaria and TB, 18 out of the 29 countries in our larger region are not on track to achieve the child mortality goal and 11 of the 17 countries with adequate data are not on track to reduce maternal mortality sufficiently. The other worrying message from this table is that most of the small island states do not even have adequate monitoring systems in place to identify whether they are achieving the goals or not. Unfortunately, many of the larger

⁸ International Crisis Group, “Sri Lanka’s Return to War: Limiting the Damage”, Executive Summary and Recommendations, 20 February 2008, p. 1.

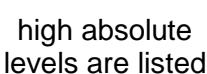
⁹ Child and maternal death data come from UNICEF Childinfo database, AIDS death data comes from UNAIDS 2008 *Report on the Global Aid Epidemic* p222 (Indian deaths per 1000 people infected are estimated to be equal to those in Pakistan for this calculation) and TB death data comes from WHO 2008 *World Health Statistics 2008: Mortality and burden of disease* table. Malaria deaths are excluded from the calculation as most are assumed to be linked to child and maternal deaths.

states also lack the health monitoring systems required to significantly improve the effectiveness of their health systems.

Table 1 Summary of progress towards the health MDGs in our larger region

Country	Goal 1	Goal 4	Goal 5	Goal 6			Goal 7	
	halve the % of population under-nourished	reduce child mortality ratio by two thirds	reduce maternal mortality ratio by three quarters	halt and reverse HIV and AIDS	halt and reverse malaria	halt and reverse TB	halve the proportion without access to clean water	halve the proportion without access to sanitation
Date of most recent indicator	2002	2006	2005	2007	2003	2006	2006	2006
Indicator used	% of population undernourished	deaths of children under 5 years/100 live births	maternal deaths per 100,000 births	prevalence rate 15-49 years both sexes	cases per 1000	prevalence rate per 100,000	% with improved water source	% with improved sanitation
Source	Millennium Indicators database	UNICEF Childinfo	WHO et al Maternal Mortality in 2005	UNAIDS 2008 Report on the Global AIDS Epidemic	World Malaria Report 2005	Millennium Indicators database	Millennium Indicators database	Millennium Indicators database
Cambodia	33	82	540	0.8		665.2	65	28
Cook Islands	-		-	-	-			
Fiji					-		47	
Indonesia			420					
Kiribati			-	-	-		65	33
Laos	21	75	660				60	48
Marshall Islands	-		-	-	-			-
Micronesia	-		-	-	-			25
Myanmar		104	380	0.7	14.5			
Nauru	-		-	-	-		-	-
Niue	-	-	-	-	-			
Palau	-		-	-	-			
Papua New Guinea		73	470	1.5	12.3	513.2	40	45
Philippines	19							
Samoa			-	-	-			
Solomon Islands	20	73		-	189.9			32
Timor-Leste			380	-	40.9	789.1	62	41
Tokelau	-	-	-	-	-		-	-
Tonga	-		-	-	-			
Tuvalu	-		-	-	-	503.8		
Vanuatu			-	-	71.9			-
Vietnam	17			0.5				
Bangladesh	30		570					36
Bhutan	-	70	440					
India	20	76	450					28
Maldives					-			
Nepal	17		830					27
Pakistan	23	97	320					
Sri Lanka	22							

 on track
  off track

  high absolute levels are listed

 - lack of data

5. National Human Rights Commissions

National Human Rights Commissions can offer an institution that provides an independent check on the human rights performance of their government. However, the performance of such bodies within the Asia-Pacific region is mixed. Key factors in the performance of such Commissions appears to be the:

- degree to which they are free to make independent assessments and conduct investigations;
- powers the Commission has in being able to conduct independent investigations, such as being able to compel witnesses to appear and being able to demand documents;
- resources the Commission in question is provided with to conduct its work;
- level of expertise and experience of the staff making up the Commission in addressing human rights abuses; and
- The degree to which the personnel who make up the Commission are free from political influence.

In the case of the Philippines, the Justice and International Mission Unit was concerned about the effectiveness of the Commission on Human Rights in the period 2004 to 2006. The Unit heard anecdotal reports that Commission personnel were fearful of reprisals against them if they investigated cases of human rights abuses in which it was suspected that security forces were involved. This appears to have changed in the last year, with the Commission appearing to take a much stronger stand against human rights abuses, regardless of the perpetrators.

In the case of Sri Lanka, the submitting bodies are concerned that the Government of Sri Lanka has undermined the independence of the Human Rights Commission by the President making appointments directly onto the Commission, rendering the body weak and ineffective as a check on gross human rights abuses committed by members of the security forces and paramilitary groups aligned to the security forces.

The Uniting International Mission and the Justice and International Mission Unit welcome the support the Australian Government provides to the Asia Pacific Forum of National Human Rights Institutions and asks that the Australian Government seek to enhance the role of this body in assisting National Human Rights Commissions to increase their effectiveness where such opportunities exist.

6. Role of Australia in Lobbying on Human Rights

The submitting bodies welcome the efforts that Australia is already undertaking to promote and protect human rights in the Asia Pacific region. We particularly welcome the Human Rights Fund, which provides funding to the UN Office of the High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions and funds AusAID's Human Rights Small Grants Scheme. We note that the Human Rights Small Grants Scheme supports grass-roots activities by non-government organisations, community groups and national human rights institutions, which aim to promote and protect human rights in a direct and tangible way.

We believe that the Human Rights Small Grants Scheme should be expanded in light of the Government's commitment to increase the overseas aid budget and the link between human rights, anti-corruption measures and meaningful development. Efforts by the Australian aid program to help build grass-roots demand for good governance and an end to corruption can be undermined if those who try to tackle corruption are then targeted for human rights abuse.

For example, in the Philippines anti-corruption campaigners have been amongst those targeted for extrajudicial execution. In the words of Transparency International:¹⁰

The space for civil society to act in both the human rights and anti-corruption arenas is determined by governments fulfilling civil liberties and respecting rights such as the freedom of information, freedom of association and the right to peaceful assembly. Lacking these conditions, the work of anti-corruption advocates and human rights activists is endangered and the achievement of accountability and transparency in the public sector is made impossible.

Australian development aid can also be undermined by a lack of respect for human rights and corruption. For example, Australian aid to promote breastfeeding as a measure to reduce child mortality can be undermined if baby food companies are free to pay bribes to local health professionals to achieve certain quotas of babies being brought over to a certain infant formula. The International Code Documentation Centre of the International Baby Food Action Network (IBFAN) continues to document infant formula and baby food companies giving 'gifts' to health professionals as thinly veiled bribes to get health professionals to get mothers to feed their babies the company's products.¹¹ There was a media report of a company in the Philippines paying \$13 to health professionals for every ten babies they signed up to their products. Undersecretary of the Philippines Ministry of Health, Alex Padilla, was reported in the media as saying that new mothers have often been given infant formula by doctors and midwives in the hospitals, on commission from the milk formula companies.¹²

Australia's efforts to assist countries in the region obtain economic growth as a means of achieving development and therefore reducing poverty rates, must also be matched by efforts to achieve equity in the benefits of economic growth. For example, if the part of the economic growth is through factories set up by foreign companies given heavy tax breaks and where the employees in the factory are denied the right to form or join a union and are paid wages that are illegally below the minimum wage of the country in question it is hard to see how the employees of the factory and their families really benefit from the economic growth. This will be especially the case where the production of the factory may have moved from another country where the rights of employees and their wages have improved. Human rights grants could be provided to non-government organisations and trade unions that seek to uphold the basic human rights of employees to ensure there is a greater equity component to the benefits of economic growth.

In 2007 – 2008 the Human Rights Small Grants Scheme provided \$1,140,477 across 17 projects. The submitting bodies believe that the budget for the scheme should be increased to \$4 million in the 2009-2010 budget, which would make it 0.1% of the overseas aid budget. It should then be maintained at 0.1% of the aid budget and out of the increased funding should be greater allocation of staff time to increase the effectiveness of the expanded program. Our experience with the Philippines is that there are non-government organisations conducting useful human rights work, such as assisting the families of those who have been subjected to extrajudicial execution in the pursuit of bringing the perpetrators to justice. However, such groups may often lack the ability to make an effective application to the Human Rights Small Grants Scheme. Thus, the Scheme could be enhanced by providing AusAID staff time to assist non-government organisations to make application to the Scheme. It is the submitting bodies' understanding that this already happens to a degree, but could improved with increased resourcing.

¹⁰ Transparency International, 'Human Rights and Corruption', Working paper #05/2008, p. 2.

¹¹ See for example Yeong Joo Kean and Annelies Allain, 'Breaking the Rules, Stretching the Rules 2004', International Baby Food Action Network, May 2004.

¹² Connie Levett, 'Baby formula battle goes to Manila court', *The Age*, 3 February 2007, p. 20.

We believe that the Australian Government should continue to seek to use what influence it has with countries in the region to effectively influence them towards the protection of basic human rights. The submitting bodies note that such influence will vary greatly across the region. For example, Australian Government discussions with the Government of the Philippines, in a co-ordinated effort with other donor countries, has been very helpful in encouraging the Government of the Philippines to address human rights abuses. On the other hand Australia has limited influence over larger countries like China and India. It also has had limited influence on the Government of Sri Lanka currently, which at this time seems determined to pursue a military solution to the internal conflict within the country regardless of international opinion and the ineffectiveness such a strategy is likely to have in the long term. For these reasons Australia needs to continue with a policy of seeking the most effective way of promoting human rights with each country it engages it and it is clear there is no 'one size fits all' strategy that will work. However, at the same time the Australian Government should resist any temptation to use this flexibility as a reason not to engage countries in the region over human rights issues, despite the fact that raising human rights concerns may have an impact on trade relations or co-operation on anti-terrorism and transnational crime measures.

7. UN Special Rapporteurs

UN Special Rapporteurs offer an independent and potentially effective way of putting pressure on governments to improve their respect for human rights. For example, in our view, the visit by the UN Special Rapporteur on extrajudicial executions to the Philippines in 2007 assisted in putting pressure on the Government of the Philippines to take steps to end extrajudicial executions. However, this is not always the case, as in the case of Sri Lanka the Government has largely ignored the efforts of the same Special Rapporteur and it would be difficult to argue that the Special Rapporteur has been able to influence the Government.

The submitting bodies recommend that Australia continue with its support of UN Special Rapporteurs as one mechanism for the defence and promotion of human rights, and to seriously consider where the establishing of additional Special Rapporteurs may be useful. In supporting UN Special Rapporteurs, Australia must ensure that its financial support of the UN allows for the effective establishment and maintenance of such positions.

The submitting bodies commend Australia for co-sponsoring the resolution extending the mandate of the UN Special Rapporteur on the sale of children, child prostitution and child pornography at the UN Human Rights Council in 2008. The mandate of the Special Rapporteur allows the Rapporteur to make concrete recommendations and identifying best practices to assist States in implementing measures to combat these practices.

8. Multilateral Human Rights Initiatives

Australia should continue to support multilateral initiatives that promote and defend human rights, where it assesses the initiative in question is effective.

8.1 Promoting Universalisation of International Human Rights Treaties within the Asia-Pacific Region

The submitting bodies believe that while Australia has made efforts to promote universalisation of international human rights treaties within the Asia-Pacific region, the degree to which this has been pursued has been uneven and more could be done with this regard. Australia's efforts to promote universalisation of the UN *Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* within the region could serve as a model for what could be done for other international human rights instruments. Australia's efforts for this Convention have included allocating funding for universalisation activities within the mine action budget of AusAID, organising regional forums with countries in the region for the purpose of promoting the universalisation of the treaty, direct approaches by the Minister for Foreign Affairs to

governments in the region, providing funding to non-government organisations for activities directed towards achieving universalisation and actively providing technical assistance to encourage countries towards adopting the Convention and effectively implementing its provisions. For example, Australia and Vanuatu jointly convened a workshop for Pacific countries in May 2007 to advance universalisation and implementation of the Convention. A follow up meeting was held in Palau in August, focused on participation in the Convention by new State Party Palau, and non-State Parties Marshall Islands and Federated Republic of Micronesia. Together with Canada and Indonesia, Australia supported a workshop on the Convention for South East Asian countries in Bali in February 2008. These efforts have undoubtedly assisted in getting Afghanistan, Bhutan, Brunei, Indonesia, Palau, Papua New Guinea and Vanuatu to become State Parties to the treaty, and Australia's efforts have also helped Lao PDR and the People's Republic of China to move closer to supporting the global ban on anti-personnel landmines.

The submitting bodies welcome the fact that the Australian Government recognises that it is not enough for governments in the region to simply sign up to human rights treaties, but that this must be backed by effective implementation of the treaties in question.

8.2 People Trafficking

Uniting International Mission and the Justice and International Mission Unit would like to commend the Australian Government on the measures it has taken to curb the human rights abuses connected with people trafficking in the region. The two bodies note that on 15 September 2006 the Government announced \$21 million over five years to help combat human trafficking in Asia, which was directed to assist to stopping human trafficking in Thailand, Cambodia, Laos and Burma. The funding was targeted to assist the national law enforcement capacity in each of the countries through providing training and advice to specialist anti-trafficking units.

Australia has an Ambassador for People Smuggling, who has the of high-level advocacy of Australia's interests in promoting effective and practical international cooperation to combat people smuggling, human trafficking and related transnational crime, particularly in the Asia-Pacific region. Australia co-chairs with Indonesia the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

In 2007 the Australian Government announced \$38.3 million over four years to be spent on anti-trafficking measures. This brought to \$37.4 million the funding allocated for anti-trafficking activities within the Asia-Pacific region since 2000.

8.3 Exploited Child Labour

Uniting International Mission and the Justice and International Mission Unit would take this opportunity to urge the Australian Parliament to support the International Program for the Elimination of Child labour (IPEC).

IPEC is the largest program worldwide focusing on the elimination of children labour. The overall aim of IPEC is to progressively eliminate exploited child labour, through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat exploitation of children in work. Working with governments, NGOs and employers, IPEC has implemented programs that have effectively reduced child labour in 88 countries worldwide. The aspects of labour targeted by these programs include debt bondage, serfdom, recruitment of children for armed conflict, child prostitution, child pornography, drug production and trafficking, slavery and the sale or trafficking of children.

The work of IPEC has helped to secure an 11% decrease in child labour in the period 2000 – 2004.¹³

The number and range of IPEC's partners have expanded over the years and now include employers' and workers' organisations, other international and government agencies, private businesses, community based organisations, the media, parliamentarians, the judiciary, universities, religious groups and children and their families.

IPEC points out that exploited child labour not only prevents children from acquiring the skills and education they need for a better future, it also perpetuates poverty and affects national economies through losses in competitiveness, productivity and potential income. Withdrawing children from child labour, providing them with education and assisting their families with training and employment opportunities contribute directly to creating decent work for adults.

In 2006 IPEC had an expenditure of US\$74 million, making it the largest programme of its kind globally and the biggest single operational programme of the ILO.

Australia has contributed US\$352,281 in aid to IPEC in the 15 year period between 1992 and 2003, but has not made a formal contribution to the work of IPEC since 2003. In the period 1992 – 2007 Germany contributed US\$66 million, the UK US\$34 million and the USA US\$258 million to IPEC.

Table 2. Contributions to IPEC in 2007

Donor	Contribution to IPEC in 2007 (US \$)	Contribution to IPEC per head of population (US cents per person)	GDP per capita¹⁴ (US\$ per person) 2005
Australia	0	0	31,794
Belgium	51,660	0.5	32,119
Canada	365,303	1.1	33,375
Denmark	1,692,866	31.3	33,973
Finland	429,812	8.3	32,153
France	1,061,702	1.7	30,386
Italy	1,339,832	2.3	28,529
Spain	2,174,940	5.0	27,169
United Kingdom	6,391,252	10.5	33,238
USA	43,739,589	14.5	41,890

The submitting bodies believe that there is a need for the Australian Government to have an on-going commitment to give financial support to the valuable work of IPEC through funding IPEC on an annual and on-going basis. The submitting bodies believe that Australia should contribute US10 cents per Australian to IPEC, for an annual contribution of US\$2.1 million. This would place Australia 4th in the list of donor countries on the basis of the amount and on a per capita contribution. An annual contribution to IPEC would be one step Australia could take to fulfil its obligations under ILO Convention No. 182 to provide assistance globally to eliminate the worst forms of child labour.

¹³ International Programme on the Elimination of Child Labour, "IPEC Action against Child Labour 2006-2007: Progress and Future Priorities", (Geneva: ILO, 2008), p.21.

¹⁴ UN Development Programme, "Human Development Report 2007/2008", pp. 229- 230.

9. Need for a Human Rights focus within the Overseas Aid Program

Uniting International Mission and the Justice and International Mission Unit welcome the commitment of AusAID to protecting and promoting human rights through Australia's overseas aid program. Further, we welcome the efforts to align the aid budget to the Millennium Development Goals (MDGs), which will assist in furthering the social and economic rights of impoverished people within our region.

The provision of adequate levels of overseas aid is about helping to facilitate that people in developing countries are more likely to have their economic and social rights upheld, in line with such human rights instruments as the *International Covenant on Economic, Social and Cultural Rights* and the *UN Convention on the Rights of the Child*.

The submitting bodies welcome the commitment of both the current and former Federal Governments to increase the overseas aid budget to \$4.3 billion by the 2009 – 2010 financial year, and the commitment of the current Government to increase the aid budget to 0.5% of Gross National Income by the 2015-2016 financial year. However, the submitting bodies continue to urge that Australia should meet its commitment given to the UN that it will provide 0.7% of Gross National Income to overseas aid.

Adoption of an international aid target was first proposed by the World Council of Churches in 1958 and then affirmed in 1960 by the UN General Assembly, where economists argued that capital flows of 1% of rich nation income would allow developing countries to “take off” into a phase of sustained economic growth. As private investment flows to developing countries were around 0.3% of rich country income, aid would need to be provided at around 0.7%. The 0.7% target was adopted by the UN General Assembly in November 1970 and was reaffirmed by the UN General Assemblies of 1980 and 1990, the 1992 Rio De Janeiro Conference on Environment and Development, the 1995 World Summit for Social Change and Development in Copenhagen, the 2002 World Summit on Sustainable Development in Johannesburg, and the 2002 International Conference on Financing for Development in Monterrey, Mexico.¹⁵

Australia currently remains 15th of 22 OECD countries in terms of providing overseas aid. This ranking will get further behind as a number of European States have indicated plans to achieve 0.7% GNI in terms of their overseas aid by 2015. Ireland and Spain plan to reach the target by 2012, the UK by 2013 and France by 2015.¹⁶

The latest UN annual assessment of progress on the MDGs, *The Millennium Development Goals Report 2008*, found that aid to developing countries decreased to US\$103 billion in 2007, from US\$104.4 billion in 2006 and US\$107.1 billion in 2005. Adjusting for changes in prices and exchange rates, aid fell by 8.4% in 2007 compared to 2006. The report states that the achievement of the MDGs continues to be, in part, dependent on developed countries providing the level of overseas aid that they have promised. In 2007, Denmark, Luxembourg, the Netherlands, Norway and Sweden provided at least the UN target of 0.7% of Gross National Income (GNI) in aid to developing countries. The submitting bodies see no reason why Australia should not be matching the efforts of these European countries.

In the area of child and maternal health alone, the World Health Organisation estimates that an additional US\$10.2 billion a year in aid is required to address maternal and child health needs in developing countries.

¹⁵ Micah Challenge and Make Poverty History, ‘We can meet the Challenge!, Why Australia Can and Should Meet the International Aid Target’, October 2008, p. 11.

¹⁶ Micah Challenge and Make Poverty History, ‘We can meet the Challenge!, Why Australia Can and Should Meet the International Aid Target’, October 2008, p. 12.

Research indicates that such an increase in aid could reduce child deaths by around 6 million a year and maternal deaths by around 350,000.

If Australia were to devote an additional 0.2% of Gross National Income in overseas aid this would provide an additional \$2.3 billion a year, which could be expected to save the lives of around 950,000 children and 50,000 mothers a year if effectively applied to maternal and child health programs.

Indonesia is a good example of a country that could benefit from more development assistance. Its per capita GDP increased at a rate of 3.9% between 1970 and 2005, with its Human Development Index increasing from 0.471 in 1975 to 0.728 in 2005. Its under five child mortality rate decreased from 172 per 1,000 live births in 1970 to 72 in 1990 and 36 in 2005. However, over 50% of the population still live on less than US\$2 per day, 27% live below the national poverty line, over 50 million Indonesians lack access to clean water, 30,000 people die annually from malaria and Indonesia has the highest maternal mortality rate in South East Asia. Indonesia is off-track to achieve the MDG targets for reducing hunger, gender equity, water and sanitation.¹⁷

In 2004 Indonesia was able to spend US\$12 per capita on health services. The World Health Organisation estimates that US\$30 – 40 per capita per annum is required to cover essential health services in a typical developing country, yet even when private health spending is factored in, Indonesia's spending on health is less than half this. With total government revenues of just \$95 per capita and over 50% of the population living on less than \$2 a day, public and private domestic revenues are insufficient to make up the funding shortfall. Aid can. Yet existing aid flows are too small at this time to achieve this. In 2002, health aid provided by all external donors amounted to just US\$0.88 per capita.¹⁸

More widely, in 2005 the UN Millennium Project estimated financing requirements to all low income countries to achieve the MDGs, with adjustments made for economic growth and for countries whose governance record is too poor to receive developmental aid. It was found that by 2015 the total funding needed to fulfil the MDGs in low income countries would be US\$604 billion, of which US\$450 billion would be mobilised by developing countries themselves. This still leaves a gap of US\$154 billion that needs to be made up by MDG related aid. If middle income countries, global research needs and regional cooperation are added in then the total external financing requirements reach US\$216 billion p.a. by 2015.¹⁹

The submitting bodies welcome that the 2008-2009 budget included an additional \$200 million over four years to strengthen partnerships with key UN development agencies, including UNICEF, the World Health Organisation, UNIFEM, UN Development Programme and UNAIDS.

¹⁷ Micah Challenge and Make Poverty History, 'We can meet the Challenge!, Why Australia Can and Should Meet the International Aid Target', October 2008, p. 19

¹⁸ Micah Challenge and Make Poverty History, 'We can meet the Challenge!, Why Australia Can and Should Meet the International Aid Target', October 2008, p. 19

¹⁹ Micah Challenge and Make Poverty History, 'We can meet the Challenge!, Why Australia Can and Should Meet the International Aid Target', October 2008, pp. 19-20

Appendix A – Uniting Church Resolution on Human Rights

A UNITING CHURCH IN AUSTRALIA STATEMENT ON HUMAN RIGHTS 2006

1. The Uniting Church in Australia believes that human beings are created in the image of God who is three persons in open, joyful interaction. The image of God that is reflected in human life, the form of life that corresponds to God, is the human community—all people—finding its life and sustenance in relationship.
2. Thus, the Uniting Church believes that every person is precious and entitled to live with dignity because they are God's children, and that each person's life and rights need to be protected or the human community (and its reflection of God) and all people are diminished.
3. In Jesus Christ we discern that which is truly human. As we feed the hungry, welcome the stranger and care for the thirsty, the sick and the imprisoned, there is the mysterious possibility that we will discover the life of Christ among us (Matthew 25: 31-46), and share the love of God.
4. We believe that God has given humanity gifts and skills for the benefit of the earth and humanity itself. These gifts include the capacity for love, compassion, wisdom, generosity and moral choice. They come with the responsibility to ensure the health and wellbeing of present and future generations and the earth. The well-being of the earth is crucial to the possibility of human community and well-being. Social, political and economic arrangements should reflect the dignity and worth of human beings and respect for the planet. Through the prophets and the life and words of Jesus, God calls people to work for justice for the poor and vulnerable.
5. We believe that Christians are called to love their neighbour as they love themselves and to extend that love even to enemies. It is the love of God in Christ Jesus which motivates us to live out this calling by working for peace with justice in our church, our communities and the world. The recognition of human rights is an affirmation of the dignity of all people and essential for achieving peace with justice.
6. We affirm the inherent and inalienable right of all people to live free of persecution and violence, with access to all that is necessary for a decent life.
7. We remember the commitments made in our *Statement to the Nation*, at the Uniting Church's inception in 1977:
We affirm our eagerness to uphold basic Christian values and principles, such as the importance of every human being, the need for integrity in public life, the proclamation of truth and justice, the rights for each citizen to participate in decision-making in the community, religious liberty and personal dignity, and a concern for the welfare of the whole human race.
8. We reaffirm the Statement on the Rights of Nature and of Future Generations (1991) in which the Uniting Church National Assembly acknowledged "the inalienable dignity of all humans", and called for "the recognition and guarantee of human rights around the world".
9. We name the broken nature of the world. It is flawed and vulnerable to unjust structures and the practice of evil.
10. We confess that throughout its history the Church has perpetrated violence and abused human rights through action, inaction, complicity and collusion and that we have often used the Bible to justify such violence. We repent of our sin and commit ourselves to work for reconciliation and justice as we continue to understand our own brokenness.
11. We condemn the abuse of human rights and the failure to uphold and promote human rights as contrary to the gospel of God's love in Christ for all human beings and the earth.
12. We affirm our support for the human rights standards recognised by the United Nations (UN). Everyone has a birthright to all that is necessary for a decent life and to the hope of a peaceful future. This birthright is expressed in UN human rights instruments which describe human rights as civil, political, economic, social and cultural rights. These

instruments provide a valuable framework for assessing political, economic and social systems and are an important tool for peace.

13. We note that the internationally recognised human rights are indivisible, universal and inalienable:
 - a. No rights are possible without all that is necessary for a decent life, including the rights to work with just pay and conditions, adequate food and health care, adequate, appropriate and accessible housing and a safe environment, education for the full development of the human potential and the right of people to participate fully in decision-making about their common future²⁰. Civil and political rights cannot be separated from economic, social and cultural rights.
 - b. It is the duty of all States, regardless of their cultural, economic or political systems, to promote and protect human rights and “eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights”²¹.
 - c. It is “the right and duty of the international community to hold all state and non-state actors accountable for violations of human rights which occur in their jurisdiction or control, or for which they are directly responsible”²².
 - d. In the exercise of a person’s rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of human dignity and the general welfare of a democratic society²³.
14. We support the commitment of the Eighth Assembly of World Council Churches to promote and defend human rights in a way which takes into account:
 - a. “the values and insights into human rights and dignity derived from the rich heritage of peoples’ religions, cultures and traditions”;
 - b. “the rights of peoples, nations, communities and their cultures as well as the rights of each individual within them”;
 - c. “the equal rights of young and old, of women and men, and of all persons irrespective of their origin or condition”²⁴.
15. We encourage all governments to fulfil their responsibilities as members of the United Nations, recognising it as the peak forum for discourse between nations, and upholding their commitment to the UN’s Charter and to UN treaties that serve the forging of peaceful and non-exploitative international relations. Peace is served by UN member States acting towards one another and the UN in good faith.
16. We heed the call of the World Council of Churches’ Central Committee in 1995, for all churches to:

be alert to the activities and policies of their respective governments with a view to strengthening the capacity of the UN in areas such as the promotion and protection of human rights, the struggle against racism, the enhancement of the rights of women, aid to and protection of refugees and migrants, the effective international control of production and transfer of armaments, the elimination of nuclear weapons, protection of the global environment, and the realization of a just and equitable international economic order.
17. We urge the Australian Government to fulfil its responsibilities under the human rights covenants, conventions and treaties that Australia has ratified or signed, by upholding international standards in effecting social and legislative change.

20 Together on the Way 5.8 A Statement on Human Rights, World Council of Churches, Eighth Assembly, December 1998, <http://www.wcc-coe.org/wcc/assembly/hr-e.html>, para. 3.5

21 Vienna Declaration, World Conference on Human Rights, 25 June 1993,

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)

22 Together on the Way, WCC, para. 3.9

23 based on Article 29(b), Universal Declaration of Human Rights

24 Declaration of the Eighth Assembly of the World Council of Churches on the Fiftieth Anniversary of the Adoption of the Universal Declaration of Human Rights, 10 December 1998, <http://www.wcc-coe.org/wcc/assembly/hudec-e.html>

18. We pledge to assess current and future national public policy and practice against international human rights instruments, keeping in mind Christ's call and example to work for justice for the oppressed and vulnerable.
19. We declare our opposition to capital punishment and commit ourselves to stand against the death penalty wherever it exists, regarding it as a cruel and inhuman punishment which denies the ability of an offender to reform.
20. We urge the Australian Government to develop and promote human rights education which, consistent with the recommendations of the 1993 Vienna World Conference on Human Rights, includes peace, democracy, development and social justice, and aims to foster mutual understanding, healthy and harmonious communities, and justice and peace.
21. We commit the Uniting Church National Assembly to promote an increased awareness and understanding of human rights through our education, justice and mission programs and to stand in solidarity with our partner churches as they advocate and work for human rights in their countries.
22. We encourage all members, groups, congregations and agencies of the Uniting Church to model respect for human rights in their daily lives and to advocate for policies consistent with human rights standards and against violations of human rights in all forms, both within Australia and internationally.
23. We encourage the councils of the Uniting Church to model respect for human rights in their work and mission, including working towards an end to manifestations of greed, corruption, violence, persecution and exclusion.