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# Human Rights Mechanisms and the Asia-Pacific

## 30 April 2009

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Additional information for the Sub-committee  
on Human Rights of the Joint Standing  
Committee on Foreign Affairs, Defence and  
Trade

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## **1 Introduction**

1. The Australian Council for International Development (ACFID) thanks the Sub-committee on Human Rights of the Joint Standing Committee on Foreign Affairs, Defence and Trade (the Committee) for its invitation to present evidence before the Inquiry into Human Rights Mechanisms and the Asia-Pacific (Inquiry).
2. During ACFID's appearance to the Inquiry on Tuesday, 7 April 2009, ACFID agreed to provide further information on:
  - a. the effectiveness of the Office of the High Commissioner for Human Rights (OHCHR) in pursuing human rights objectives;
  - b. how multilateral bodies could bring a human rights focus to their work;
  - c. ACFID's current position on establishing a Darwin regional human rights centre; and
  - d. the effectiveness of the Human Rights Small Grants Scheme.
3. The information provided in this document complements ACFID's original submission to the Inquiry dated November 2008.

## **2 Effectiveness of the OHCHR**

4. ACFID believes the effectiveness of the OHCHR in promoting and protecting human rights is demonstrated by its capacity, credibility, longevity and focus on implementing a human rights-based approach to development. The OHCHR works with national governments, civil society organisations and regional bodies to build capacity on human rights.
5. OHCHR works on the whole range of civil, political, economic, social and cultural rights in the Asia and Pacific region. For example, among other issues, OHCHR is working with governments and civil society on the prevention of torture and improvement of prison conditions, on arbitrary detentions and extrajudicial killings, on combating violence against women, on housing rights issues and the right to food. OHCHR also actively supports governments and civil society to engage with various United Nations' mechanisms such as the Universal Periodic Review, Treaty Bodies and Special Procedures as well as to establish national human rights institutions.

6. The OHCHR has operations in parts of Asia and the Pacific. The OHCHR has regional offices in Bangkok (covering the South East Asian region) and Suva (covering the Pacific region). In addition to these regional offices, the OHCHR has country offices in Cambodia and Nepal and supports the peace mission in Timor-Leste. The OHCHR also commits human rights advisers to Indonesia, Papua New Guinea and Sri Lanka.
7. The United Nations has been involved in promoting human rights for over 60 years. Since 1993, the human rights work of the United Nations was significantly strengthened and the OHCHR created. The OHCHR is able to draw on the credibility and longevity of the UN in promoting and protecting human rights.
8. Australia's support of the OHCHR for the 2008/2009 year is \$1.9 million, with \$400,000 specifically earmarked for the Pacific Regional Office and \$100,000 for the National Institutions Unit. ACFID notes that Australia's voluntary contributions to the OHCHR have increased significantly since 2005. As recommended in our original submission, ACFID encourages the Australian Government to further its commitment to the OHCHR by increasing its financial support of the OHCHR.
9. A key way that the OHCHR promotes and protects human rights is by encouraging the adoption of a human rights-based approach to development by aid and development agencies. A human rights-based approach to development positions the fulfilment of human rights as development objective and aims to empower communities to hold duty bearers to account for human rights. In 2006, the OHCHR issued a paper detailing the benefits of implementing a human rights-based approach to development.<sup>1</sup> Development assistance is a key mechanism for promoting and protecting human rights in Asia and the Pacific.
10. Human rights-based approaches to development are increasingly being considered as a valuable way to deliver aid. In 2005, the Organisation for Economic Cooperation and Development (OECD) commissioned a study on donor experiences of integrating human rights into development.<sup>2</sup> The OECD study reveals that human rights is becoming a regular feature of development cooperation which demonstrates the increasing number of donors who use the approach.

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<sup>1</sup> OHCHR, *Frequently Asked Questions on a Human Rights Based Approach to Development*, 2006. Available at: <http://www.ohchr.org/Documents/Publications/FAQen.pdf>.

<sup>2</sup> Piron, L and O'Neil, T, *Integrating Human Rights into Development: A synthesis of donor approaches and experiences*, 2005. Available at: [http://www.odi.org.uk/rights/Publications/humanrights\\_into\\_development.pdf](http://www.odi.org.uk/rights/Publications/humanrights_into_development.pdf).

11. Most recently, the respected Overseas Development Institute (ODI) issued a report on the *Australian Partnerships with African Communities* program between AusAID and Australian NGOs.<sup>3</sup> The ODI report reveals that:
  - a. development programs work best when they address both human rights violations and basic needs
  - b. a human rights-based approach is crucial in the achievement of long-term and sustainable empowerment of marginalised groups.
12. The role of the OHCHR in building the capacity of aid donors in a human rights-based approach is an important mechanism for advancing human rights in Asia and the Pacific.

### **3 Human rights and the work of multilateral organisations**

13. An important way that multilateral organisations, such as the Asian Development Bank, that influence or impact on development outcomes could promote human rights is by adopting a human rights-based approach to their work.
14. ACFID encourages the Australian Government to consider how it can encourage multilateral organisations that work in our region in developing a greater understanding of how those organisations impact on human rights.

### **4 Human Rights Centre for Dialogue and Cooperation**

15. In the early 1990s, ACFID (then ACFOA), commissioned the Human Rights Council of Australia to undertake research on human rights in Asia and the Pacific. The Human Rights Council of Australia proposed that a Human Rights Centre for Dialogue and Cooperation be established.
16. In 1996, the Australian Government established the Centre for Democratic Institutions which focuses on building good governance and democratic institutions in Asia and the Pacific.
17. Although, the Centre for Democratic Institutions undertakes important work in the area of good governance, the Centre does not capture the need for dialogue and collaboration in Asia and the Pacific on a broad range of human rights issues.

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<sup>3</sup> Samuels F., James, V., and Sylvester, K., *ODI Project Briefing: Beyond Basic Needs*, 2009. Available at: <http://www.odi.org.uk/resources/details.asp?id=3185&title=beyond-basic-needs-marginalised-vulnerable-african-communities>

18. As recommended in our original submission, ACFID believes that Australia has an important role to play in encouraging discussion and dialogue, especially by civil society, in Asia and the Pacific on the range of human rights.

## **5 Effectiveness of the Human Rights Small Grants Scheme**

19. The Australian Government currently commits \$1.5 million to the Human Rights Small Grants Scheme (Scheme) administered by AusAID. The Scheme provides small grants, primarily to non-government organisations based in Asia and the Pacific, for activities aimed at promoting and protecting human rights.
20. In the 2008/2009 financial year, 21 organisations were supported in a variety of human rights work, including to raise awareness of the Convention on the Rights of Persons with Disabilities, build the capacity of investigators of human rights violations, build capacity in conflict resolution and deliver human rights training for youth.
21. ACFID supports the work of the Scheme because of its focus on supporting the human rights activities of civil society organisations. Focusing on civil society organisations is an effective way to build the overall capacity of a country on human rights. Vibrant civil society organisations play an important role in holding their governments to account for human rights.
22. ACFID encourages the Government to administer the Scheme in such a way so that the projects being funded are sustainable and linked with community development objectives. ACFID would welcome public information measuring the human rights impact of the Scheme.
23. As recommended in ACFID's original submission, we ask the Government to consider expanding the Scheme.