

HUMAN RIGHTS AND
EQUAL OPPORTUNITY COMMISSION

**HREOC:
HUMAN RIGHTS AND
GOOD GOVERNANCE
EDUCATION**

SUBMISSION TO THE JOINT STANDING
COMMITTEE ON FOREIGN AFFAIRS,
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PART ONE

HREOC: DOMESTIC HUMAN RIGHTS AND GOOD GOVERNANCE EDUCATION

The Human Rights and Equal Opportunity Commission (HREOC) which was established in 1986 by the Federal Parliament as successor to the 1981 Human Rights Commission is an independent statutory authority whose functions are to monitor, protect and promote human rights in Australia. The Commission has played a key role in the education of civil society in regard to these rights.

LEGISLATION

The Commission is responsible for administering the following Acts:

- *Human Rights and Equal Opportunity Commission Act 1986;*
- *Racial Discrimination Act 1975;*
- *Sex Discrimination Act 1984;* and
- *Disability Discrimination Act 1992.*

Functions performed under these Acts are vested in the Commission as a collegiate body, in the President or individual members of the Commission or in the federal Attorney-General.

Other legislation administered through the Commission includes functions under the *Native Title Act 1993* performed by the Aboriginal and Torres Strait Islander Social Justice Commissioner. The Sex Discrimination Commissioner has functions in relation to federal awards and equal pay under the *Workplace Relations Act 1996*.

FUNCTIONS AND POWERS

The Commission's responsibilities fall within four main areas:

- public awareness and education;
- anti-discrimination and human rights complaints;
- human rights compliance; and
- policy and legislative development.

In order to fulfil its obligations, the Commission:

- Fosters public discussion, and undertakes and coordinates research and educational programs to promote human rights and eliminate discrimination in relation to all Acts.
- Investigates complaints of alleged unlawful discrimination pursuant to the Racial Discrimination Act, the Sex Discrimination Act and the Disability

Discrimination Act, and attempts to resolve these matters through conciliation where appropriate. The President may terminate a complaint of alleged unlawful race, sex or disability discrimination if there is no reasonable prospect of settling the complaint by conciliation.

- If a complainant whose complaint has been terminated wants the complaint heard and determined by the Courts they must lodge an application to the Federal Court of Australia or the Federal Magistrates Service within 28 days of a notice of termination issued by the President.
- Inquires into acts or practices that may be contrary to a human right or that may be discriminatory pursuant to the Human Rights and Equal Opportunity Act. If the complaint is unable to be resolved through conciliation the President may report on the case and make particular recommendations. The Report is tabled in Parliament.
- May advise on legislation relating to human rights and monitor its implementation; may review existing and proposed legislation for any inconsistency with human rights or for any discriminatory provision which impairs equality of opportunity or treatment in employment or occupation; may examine any new international instruments relevant to human rights and advise the Federal Government on their consistency with other international treaties or existing Australian law; and may propose laws or suggest actions the Government may take on matters relating to human rights and discrimination.

In order to carry out these functions the Commission is empowered under all Acts (unless otherwise specified) to:

- 1) refer individual complaints to the President for investigation and conciliation;
- 2) report to the Government on any matters arising in the course of its functions;
- 3) establish advisory committees;
- 4) formulate guidelines to assist in the compliance by organisations and individuals of the requirements of human rights and anti-discrimination legislation and conventions;
- 5) intervene in court proceedings involving human rights matters;
- 6) grant exemptions under certain conditions (Sex and Disability Discrimination Acts); and
- 7) conduct national inquiries into issues of major importance - either on its own initiative or at the request of the Attorney-General.

BACKGROUND TO HUMAN RIGHTS EDUCATION

Human rights education is an international obligation which Australia has consistently supported. In the earliest international articulation of universal human rights, the Universal Declaration of Human Rights, the general assembly proclaimed:

every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect of these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.

Similar obligations are found in the International Covenant on *Economic, Social and Cultural Rights*; *Convention on the Rights of the Child*; *Convention on the Elimination of all Forms of Racial Discrimination* and the *Elimination of all Forms of Discrimination Against Women*.

Human rights education plays a central role in contributing to the maintenance and improvement of a tolerant, just, equitable and democratic society. The Attorney General Daryl Williams has stated: "In Australia it has long been recognised that the most lasting and meaningful way to reduce breaches of human rights is by changing attitudes and encouraging tolerance - the key to this is education."

The President of the Commission, Professor Alice Tay, has stated that the aim of the Commission's human rights education program is to impart information, develop capacities, cultivate habits and imagination, inculcate a critical approach, and teach care and understanding.

It is in this context that the Commission has embarked on a number of educational programs specifically aimed at key sectors of the community.

The programs have been shaped by community and individual feedback and by an examination of the issues brought to the Commission by way of its complaints function.

These programs provide information and strategies to improve the enjoyment of human rights within Australia, the key message being that the elimination of discrimination and harassment are prerequisites for the enjoyment of human rights by all Australians.

The educational programs sit within the context of a wide range of institutions in Australia which measure and protect some "key" human rights. These include:

- The Australian Constitution.
- The States' Constitutions.
- Democratically elected Parliaments at the Federal and State levels.
- An independent judiciary and a system of common law which protects many kinds of "rights".
- A conciliation and arbitration system which has progressively enforced the principle of a "fair day's work for a fair day's pay".
- A free press.

GETTING THE HUMAN RIGHTS MESSAGE ACROSS TO ALL AUSTRALIANS

The Commission's communication strategies are based on the necessity to target all Australians wherever they live and whatever their background, age, or gender. The Commission uses the mainstream and specialist media to disseminate human rights messages and works with peak business and community groups in the development and delivery of messages. The Commission also develops human rights materials to schools and uses direct marketing to encourage teachers to use the material.

The small Public Affairs unit of the Commission employs a full time professional journalist, to liaise with the media, and to assist the President and Commissioners in the delivery of human rights messages. The Unit has human rights education officers who work with business and the community and government to disseminate human rights initiatives and programs. A web designer/administrator is also part of the Unit. The Commission's website is used as a promotional/educational tool and provides teaching and other materials to schools, business and community.

MEDIA ENGAGEMENT

Engagement with the media is a crucial aspect of the Commission's public education function. The Commission engages in public debate via the print and electronic media to provide substantial information to the public, and directly to journalists and editors. The Commission also uses community announcements and niche or specialist media such as Ethnic and Indigenous radio and press as well as country and regional media outlets to provide general information on the Commission's complaints system, its legal interventions and other aspects of the Commission's work.

The President and Commissioners contribute to public debate on human rights and discrimination issues including refugees and asylum seekers, racial vilification, Indigenous social justice, native title, sex discrimination and harassment, paid maternity leave and other equity issues, disability discrimination and advances in accessibility for people with a disability and on changes to legislation that may affect people's human rights.

For instance during 2001-2002 the significant issues that have resulted in media attention have been the National Inquiry into Children in Immigration Detention, the Paid Maternity Leave debate and the promotion of the Aboriginal and Torres Strait Islander Social Justice and Native Title reports 2001. The Commission also issued statements about changes to immigration laws and to laws governing national security and about its intervention function in the "Tampa" case, and the "IVF" case and a number of other significant human rights issues before the Courts.

In that year, the Commission issued 90 media releases and Commissioners have had written a number of opinion pieces and articles which have been published in national and regional newspapers.

Media coverage of issues such as paid maternity leave has been enormous. Between April and December 2002, when debate on the issue was most intense there were literally 1,000s of news and feature items across a range of media on paid maternity leave. It is clearly an issue that resonates within the Australian community. At the time of release of the Sex Discrimination Commissioner's, Pru Goward's, final paper (mid-December), there were dozens of newspaper articles, more than 70 mentions on television news and current affairs and more than 600 radio items on news and radio programs across Australia.

Similarly, the Human Rights Commissioner, Dr Sev Ozdowski, during public hearings for the Children in Immigration Detention Inquiry received comprehensive coverage on radio, print and television news and current affairs. The hearings alone attracted about 100 newspaper articles and numerous television and radio items. Hundreds of stories about the situation for children in immigration detention centres – and more broadly about conditions in detention – have arisen since the Inquiry began.

An estimate was done of the costs of all media coverage received following the publication of the *Bringing them home* report showed that some \$18 million would have needed to be spent to achieve the level of coverage of the Report. In fact there were no paid advertisements; it was all done by way of a media strategy which provided spokespersons and briefings for a range of media on an ongoing basis.

These are examples of the way in which the Commission generates active community debate and engagement putting forward the human rights perspective and helping establish the human rights agenda within the civil society.

From time to time, the Public Affairs Unit is called upon to provide background information to journalists.

The Commission also has also engaged directly with representatives of the media about their responsibility to report fairly and accurately, especially on race issues. Following the United States terrorist attacks on September 11 2001 the Aboriginal and Torres Strait Islander Social Justice Commissioner Dr William Jonas called for Australians not to retaliate against Muslims in the community. In response to public criticism – through talkback radio in particular - Dr Jonas sent a memo to editors and executive producers to draw their attention to the racial hatred provisions of the Racial Discrimination Act.

COMMUNITY/BUSINESS CONTACTS

A vital part of the Commission's communications strategy is the engagement and maintenance of open relationships and dialogue with key groups across civil society including a range of peak bodies such as ACCI, Business Council of Australia, Unions, peak Indigenous groups and non-government organisations. This involves getting the human rights message to peak groups which in turn influence others. All areas of the Commission are engaged in this work which is a key component of our advocacy strategy. It is by this engagement that the Commission is able to reach a much broader cross section of the Australian community.

Appendix 1 is a summary of significant meeting consultations held by Commissioners and staff with key groups across civil society during 2001-2002.

HUMAN RIGHTS EDUCATION FOR TEACHERS AND STUDENTS

The Commission's formal education strategy is aimed at school students and teachers and is conducted by way of workshops and online web materials and activities. The materials are developed to provide teachers with a range of teaching materials which are all curriculum linked. The information about the materials is then disseminated directly to teachers by way of email list serve messages. Direct and continuing contact with teachers to assist and help them link the material directly to curricula, which vary from state to state, are crucial aspects of the strategy.

Initially the Commission from 1998 to 2000 conducted a series of *Youth Challenge Human Rights Human Values* one day workshops all over Australia. These workshops brought together thousands of young Australians, human rights leaders and community representatives to explore human rights principles and practices and how they impact on social change and upon their own lives and the lives of others in the community.

The workshops were for secondary school students and teachers and were supported by education materials which were curriculum linked and distributed to all Secondary Schools in Australia.

This initiative was well received but the reach was unfortunately limited to the relatively small number of students and teachers from each school who were able to attend the workshops. The question then was how do we reach 1,489 secondary schools in the Australian education system and within budget?

In response to this question the Commission has developed a comprehensive online education strategy which described below.

INFORMATION FOR STUDENTS WEB PAGES

This section of HREOC's website was developed in 1998-99 and was designed to inform students about human rights and provides links to other websites for students. The web usage statistics for this section shows 52,708 people accessed this section during 2001-2002. A further section for Tertiary students called "Human Rights Explained" was published on the web in 1998 and remains one of the most accessed sections of the HREOC website (52,974 page views in 2001-2002).

ON-LINE HUMAN RIGHTS EDUCATION MODULES

In 2001, the Commission developed and published the first online human rights education program for teachers of upper primary and secondary students by way of human rights education modules for teachers. The program incorporated the *Human Rights Human Values* materials and renamed the online module *Youth Challenge*.

The materials from the Commission's main site can be downloaded so that teachers need only have internet access once. The program consists of:

- Online education modules.
- Current Issues series.
- Human rights education promotion, including making links with curricula.
- External human rights education resource collection.
- Electronic mailing list.

The success of the Commission's education program was underscored when *Youth Challenge* was short listed for the *The Australian's* '2002 Awards for Excellence in Educational Publishing'.

The program focuses on the learning needs of all students and includes materials about international instruments and domestic laws, which are presented in a user friendly and relevant manner for children.

This teaching approach is cross-curricular which means teachers can tailor the education materials to a variety of subjects. The materials produced are relevant to all aspects of learning, including numeracy and visual literacy.

The modules are skills-oriented and provide materials which allow the students to go through the decision making processes and come to their own conclusions about issues of human rights and discrimination issues. They allow students, regardless of their learning styles/abilities, to participate.

With *Youth Challenge*, students focus on real life issues such as sex, race and disability discrimination, sexual harassment, and rights in the workplace. It encourages students to explore the relevance of human rights to their own experiences and communities.

The online program is broken into three distinct units:

- 1) Human Rights in the Classroom.
- 2) Case Study 1: Doug and Disability Discrimination.
- 3) Case Study 2: Young People in the Workplace.

Using video material, stories and exercises, the materials draw on a range of skills including research, literacy, discussion, decision making and role playing. There is even a Human Rights Treasure Hunt.

Youth Challenge offers secondary school teachers a resource that is flexible and comprehensive. The materials can be used across many curricular areas including History, English, Civics/Citizenship, Legal Studies, and Studies of Society and Environment. The site provides teaching strategies, guides and worksheets that are easy to access (56,791 people accessed the Youth Challenge during 2001-2002).

INFORMATION FOR TEACHERS WEBSITE

In May 2002 the Commission launched an *Information for Teachers* portal. The section is regularly updated to provide teachers with the most recent quality materials. The aim is to directly assist teachers design their lessons across many subjects. For instance the subject matter may be used to stimulate a current affairs debate, or as subject for a drama, english or a history lesson.

This section has proved very popular with teachers and students and 23,747 users accessed the section in the period from May to June 2002.

The portal is the online framework for this education program. It contains:

- 1) **Education Modules:** *Youth Challenge* and other education modules.
- 2) **Current Issues Series:** issue focused sets of activities added each month.
- 3) **Human Rights Resources:** links to external human rights resources for teachers.
- 4) **HR Education Mailing List:** an electronic mailing list with monthly updates.

CURRENT ISSUES SERIES

The Commission receives requests from teachers and students each day for material on current human rights issues. Responding to this need, the Commission developed a current issues series, with a new issue each month.

The first of these was developed in May 2002 - The Stolen Generations. With the release of *Rabbit-Proof Fence*, a major feature film, the Commission prepared teaching activities linking the film and book (by Doris Pilkington) to *Bringing them home* and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. The activities direct teacher and student interest in the film/book to the Inquiry report

A second was developed in July 2002 focusing on the paid maternity leave campaign. The activities demonstrate to students how paid maternity leave raises issues of sex discrimination and equal opportunity that are directly relevant to their lives. For example, it includes a case study on Marla - a 16 year old considering her future career and personal directions.

BRINGING THEM HOME MODULE - STORIES FROM THE STOLEN GENERATIONS

The Commission is currently developing an online education module on *Bringing them home*, the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

The module adopts the theme of oral history and story telling as its approach to teaching about the Inquiry. The stories of individuals and communities, together with the histories of assimilation and state-sanctioned removal are the key elements.

Taking into consideration different learning skills, the module provides two sets of materials. One for junior students and one for senior students, as well as resource materials for tertiary level students.

The module will explore:

- personal stories from the Inquiry
- a history of laws and practices in each State and Territory
- a brief history of colonisation in Australia and overseas
- the effects and experiences of removals
- recommendations from the Inquiry
- the issue's connection with other Indigenous social justice issues, such as self determination, reconciliation and criminal justice.

It will also contain a number of online interactive elements.

PROMOTING ONLINE EDUCATION

In addition to developing this material, the Commission has actively promoted the online education program, targeting teachers across Australia. Our aim has been to attract teachers and students to our website. The education materials on the website have all been metadata

tagged so that all the information will be instantly available for teachers and students when they log into the web.

POSTERS AND POSTCARDS

The Commission developed a poster and postcard series for *Youth Challenge* and sent them to schools all over Australia. Both are available as downloads from the website. The Commission also developed postcards for the *Information for Teachers* portal and each set of activities in the Current Issues Series. These are distributed across teacher organisations, curriculum development bodies, education networks and education journals.

ELECTRONIC MAILING LIST

The Commission adopted a direct marketing approach by using a mailing list with 3,500 self-subscribed educators. The monthly updates include:

- a link to the most recent set of activities under the *Current Issues Series*
- reviews and links to human rights education resources
- reviews of particular sections of the Commission's website that are useful for educators
- a list of upcoming human rights education events.

A further 500 educators have self subscribed since the list was first set up.

ADVERTISING AND EDITORIAL

The Commission placed advertisements in the main education serials/journals for each State and Territory. Advertisements were included in *Newsmouth* (Independent Education Union, NSW/ACT), *Education* (NSW Teachers' Federation), *Western Teacher* (State School Teachers' Union of WA), *The Independent Voice* (Journal of the Queensland Independent Education Union) and *AEU News* (Australian Education Union, Victoria). The next period of advertising is planned after the launch of the *Bringing them home* module.

LINKS WITH TEACHER NETWORKS

The Commission has established links with a number of educators' networks. We are also contacted by these networks for resource support, cross hyperlinking and to give presentations at conferences. The Human Rights Education Officer has given presentations to several large Teachers' Conferences throughout Australia

The Commission also works to include links to our programs on other websites. In particular, the national online education resource, *EdNA Online*, regularly features information on our education program.

APPENDIX 1

ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL JUSTICE

The Social Justice Commissioner held at least 150 consultations during 2001-02, including consultations on the following issues:

- *Moving Forward*. The national conference on stolen generations' issues in August 2001 was attended by approximately 250 people.
- *Briefings on Social Justice and Native Title Reports*. Briefings on the contents of the 2000 and 2001 reports were held with Government, community organisations and through public launches in July - August 2001 and May - June 2002.
- *Juvenile diversion*. Consultations were held in Perth, Darwin, Alice Springs, Tennant Creek, Groote Eylandt and Katherine as part of the project on juvenile diversionary schemes in the Northern Territory and Western Australia between July and November 2001.
- *Corporate responsibility and native title*. Consultations included the conduct of a two day forum with traditional owners, representatives of land councils and mining companies in Alice Springs in May 2002.
- *Consultations on the operation of the Native Title Act*. Consultations were held with the National Native Title Tribunal, Federal Court, Native Title Representative Bodies and the Aboriginal and Torres Strait Islander Commission on the operation of the legislation, as well as with native title holders and claimants.

DISABILITY RIGHTS

More than 60 consultations were held by the Disability Discrimination Commissioner and staff, including hosting a two day forum for national peak disability representative organisations in December 2001. Other consultations included:

- *Banking*. Regular ecommerce forum and specific consultations on banking industry accessibility standards.
- *Building access*. Several meetings each of national Building Access Policy Committee and Building Access Technical Committee working towards upgrading of access provisions of the Building Code of Australia and adoption of standards in this area under the Disability Discrimination Act, as well as participation in national information sessions on this process.
- *Education*. National consultative meeting on access to tertiary education materials, in addition to participation in working group considering national standards on education under the Disability Discrimination Act.
- *Telecommunications*. Participation in Australian Telecommunications Industry Forum disability working party.

HUMAN RIGHTS

The Human Rights Commissioner conducted a number of public consultations. These may be broadly characterised into three groups:

- *United Nations Special Session on Children.* Seven pre and post special session consultations with children and young people were carried out around Australia in locations as geographically diverse as Brisbane and Broome. The purpose behind the consultations was to allow expression of the thoughts of young Australians and on return to advise on outcomes from the Special Session.
- *National Inquiry into Children in Immigration Detention.* Public hearings were held in Melbourne, Perth, Adelaide, Sydney (2 hearings) and Brisbane. In addition at least 30 focus groups were held with ex-detainees living in the Australian community.
- *National Human Rights Dialogue.* Meetings were held in at least 20 locations addressing groups as diverse as the New South Wales Justices' Association to the Association of Major Charitable Organisations.

RACE DISCRIMINATION

Over 31 consultations were conducted by the Race Discrimination Commissioner and staff in 2001-02. They included:

- Eight consultations conducted with civil society around the country in relation to the themes of the World Conference Against Racism.
- Thirteen consultations with Indigenous and non-Indigenous groups regarding race relations in the Kalgoorlie-Boulder community.
- Other consultations/meetings were held on the Beyond Tolerance conference on racism; anti-Arab and anti-Muslim vilification and attacks (post September 11); and national anti-racism strategies.

SEX DISCRIMINATION

Over 100 consultations were conducted by the Sex Discrimination Commissioner and staff in 2001-02. Sixty one of these consultations concerned the issue of paid maternity leave and included formal consultation forums in relation to the paid maternity leave options paper. Consultations included:

- *Paid maternity leave - regional.* Community based regional consultations were held in Katherine (Northern Territory) and Wagga Wagga (New South Wales) with a broad representation of individuals, health professionals, union delegates and employers within the local community.
- *Paid maternity leave - employer and union groups.* Consultations were held in each of the capital cities with a wide range of employer representative and union groups. Meetings were also held with the Australian Council of Trade Unions President and eight public consultations and 18 meetings were held with individual employer groups.

- *Paid maternity leave - women's and community groups.* Consultations were held in each capital city with the assistance of the Women's Electoral Lobby, Business and Professional Women and the YWCA in various states and territories.
- *Sexual harassment.* Two meetings were held with the Australian Defence Force in relation to the Force's sexual harassment policy and management of sexual harassment issues.
- *Pregnancy guidelines.* Consultations were held with the Australian Sports Commission on their national pregnancy guidelines, released in May 2002.

This is in addition to regular community consultations conducted by the staff of the Complaints Handling Section of the Commission. During 2001-2002, 155 presentations about the complaints handling processes were made to peak groups and community organisations throughout Australia.

PART TWO

HREOC: INTERNATIONAL HUMAN RIGHTS AND GOOD GOVERNANCE EDUCATION

BACKGROUND

The strengthening of human rights and good governance, through education and other strategies, plays an important role in sustainable development and poverty alleviation. The economic and social well-being of individuals is most effectively realised within a framework of transparent and accountable public institutions. It is within such a framework that individuals are most likely to access opportunities to contribute to, and share in, the benefits of economic activity. Establishing such a framework requires not only legal and procedural reforms to entrench human rights within institutions but also education to encourage awareness of and respect for those rights. Without such awareness, the disadvantaged are less likely to access legal mechanisms to assert their rights and state officials are less likely to act in compliance with their rights. Education is a vital complement to legal and punitive regimes for the protection of human rights.

HREOC INVOLVEMENT IN TECHNICAL COOPERATION

The Human Rights and Equal Opportunity Commission's mandate and functions, as prescribed by legislation, are primarily domestic. As such, most of the Commission's work is directed to human rights issues within Australia. However, the Commission undertakes some limited international activities that fall within the broad concept of 'human rights education'. Most of this activity takes the form of technical cooperation aimed at transfer of knowledge and expertise, generally implemented within the framework of Australia's overseas aid program.

In some cases regional countries wish to access this expertise in pursuit of their own human rights objectives, while in other cases the Australian Government wishes to use the expertise in pursuit of its development cooperation objectives. As a general rule, the Commission only participates in this work when certain pre-requisites are satisfied, including that all of the Commission's costs are met, that the program is clearly capable of achieving its goals and that it does not detract in any way from the Commission's domestic work.

OBJECTIVES OF INTERNATIONAL TRAINING

In undertaking these activities, the Commission does not specifically target the education systems of the recipient countries but engages a wide variety of institutions and professionals relevant to the protection and promotion of human rights. The activities seek to strengthen the capacity of those institutions to protect human rights. While some of the activities involve training and could be regarded as 'education', the emphasis is not so much on the development of curricula as on its longer term integration into the training and operational structures of the organisations concerned and the professionalisation of agencies involved in enforcing or implementing laws and the rule of law.

KEY FEATURES OF INTERNATIONAL TRAINING

Many of the Commission's international training activities involve a two (or more) stage process of implementation, from initial scoping to design through to full implementation. This reflects the strong emphasis the Commission gives to detailed planning to ensure that the Australian input accords with the needs and priorities of overseas partner agencies. It also reflects the fact that success in this area requires a gradualist approach, with substantive training often preceded by a lengthy process of establishing relationships and building of confidence. The Commission regards the principle of "equality and mutual respect" between the two sides as the paramount principle in all of the technical cooperation it undertakes. Concerted efforts are made to ensure that the overseas project partners feel a sense of ownership of this activity, which is essential to its success and long term sustainability.

Most of the international training activities undertaken by HREOC focus on practical issues that affect the lives of individuals. For example domestic violence, police conduct, prison management, investigation techniques and so on. Notwithstanding this practical focus, efforts are made to ensure that the activities are firmly grounded in human rights principles as established under international law. This human rights perspective is the essential overlay in all training undertaken by HREOC and which distinguishes it from training provided by agencies which focus more on the economic or other dimensions of the subject matter. To ensure that this focus is maintained, HREOC policy and professional staff play a central role in the delivery of the training. In addition to addressing the technical issues, HREOC officers provide the broad human rights context, through presentations on the international human rights framework established under the United Nations and relevant international treaties and jurisprudence. These principles are presented not in isolation but as they pertain to the needs and circumstances of the target audience. HREOC also ensures that any other technical experts who participate in the training have an appreciation of relevant human rights principles and that this is reflected in the material they present.

EXAMPLES OF HREOC INTERNATIONAL ACTIVITIES

I. CHINA

The Commission's most substantial international program involvement is with the China-Australia Human Rights Technical Cooperation Program (HRTC), which is an integral part of the annual Dialogue on Human Rights with China. This program encompasses three principal themes - protection of the rights of women and children, protection of ethnic minority rights and reform of the legal system.

HRTC undertakes each year a series of activities intended to assist China to promote and protect human rights. Each activity is undertaken in partnership with a relevant Chinese agency. Training programs and workshops implemented under HRTC have engaged many Chinese officials working in areas vital to human rights protection such as prosecutors, police, judges and prison officers.

The program has an immediate impact on the formulation of administrative procedures. In the longer term the program aims to have an impact through increasing the level of knowledge of human rights concepts, with a resultant impact on the formulation of Chinese policies and practices. The program therefore seeks to work with the Chinese authorities to demonstrate the value of institutionalising the regard for human rights and to then work with those authorities to formulate and implement practical strategies to realise that value.

Specific activities implemented under the HRTC Program include:

Human Rights Short Courses

In 1999 nine Chinese nationals from the Ministry of Foreign Affairs, State Family Planning Commission, State Ethnic Affairs Commission, Supreme People's Procuratorate, Ministry of Public Security and the China Law Society spent three months in Australia undertaking a purpose-designed course. The course was conducted directly by HREOC but included visits to and lectures on the role of Australian organisations involved in the promotion, protection and administration of human rights.

Postgraduate scholarships

Scholarships for postgraduate studies in human rights related disciplines at Australian universities have been granted to key officials from the Ministry of Foreign Affairs of China. So far two scholarships have been awarded each year, with most of the students undertaking master of laws programs with an emphasis on human rights subjects.

Judicial training

Judicial cooperation under the HRTC Program has moved from a standard lecture format introducing broad themes to a more practical training format focusing on specific topics relevant to the protection of human rights in the context of judicial practices. The most recent training activity took place in October 2001 and was conducted by four senior Australian judges at the National Judges' College in Beijing. The focus of the training was on judicial ethics and covered issues such as judicial independence, conflict of interests, judicial impartiality and bias. This activity coincided with the introduction of China's first Code of Judicial Ethics and the training provided some initial guidance on the application of its provisions.

Human rights reporting training

HRTC has included a number of seminars on reporting under international human rights treaties. The most recent was a July 2002 seminar on reporting under the *International Covenant on Economic, Social and Cultural Rights*, held in Beijing. This activity arose from the fact that China ratified this treaty in February 2001 and is due to submit its first report in July 2003. The seminar was conducted in partnership with the Chinese Ministry of Foreign Affairs which has overall responsibility for reporting under the treaty. The Chinese participants comprised approximately 30 officials from government agencies relevant to the reporting process.

Criminal Procedure Training

This work has been undertaken in cooperation with the Supreme People's Procuratorate (SPP), the highest prosecutorial agency in China, with wide powers in relation to arrest, investigation and other areas of criminal procedure. The most recent in a series of SPP workshops was held in Chengdu, Sichuan Province in June 2002. The Chinese participants comprised approximately 100 procurators representing the prosecution services of eight provinces, three autonomous regions and two municipalities. The Australian presenters were from the Office of the NSW Director of Public Prosecutions. The workshop addressed a variety of issues central to protection of human rights in the preparation and presentation of the prosecution case. Topics included the role and responsibilities of the prosecutor; the discretion to prosecute; summary and committal proceedings, disclosure of evidence and case management

Police Ethics and Accountability

Cooperation in this area has been with the Ministry of Public Security, the agency responsible for police services. Within the Ministry, the focus has been on the Department of Discipline and Supervision, which is responsible for the maintenance of ethical standards on the part of police. In 2001 a training program on police ethics and accountability was held in Liaoning Province. The Australian input was provided by trainers from the Australian Federal Police.

Prison officer training

Training of prison officers under HRTC has been undertaken in partnership with China's Central Educational Institute of Prison Police Officers, the Ministry of Justice's training institute for correctional officers. The most recent training was held at the Central Educational Institute in May 2002. Training was delivered to 219 Chinese officials by trainers from the NSW Corrective Services Academy. Topics covered in the Australian presentations included the systems for training and professional development of correctional officers, disciplinary procedures for inmates, education and work programs in prisons and other programs to assist prisoner rehabilitation.

Domestic Violence

Several workshops on domestic violence prevention have been conducted in China in partnership with the All-China Women's Federation and its provincial branches. The HRTC is currently implementing a multi-stage project on domestic violence over the course of about three years. Those stages include workshops and training courses for local officials and community groups.

II. INDONESIA

Between 1998 and 2002 the Commission managed a program of cooperation with the Indonesian National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia, commonly known as Komnas HAM). The four year program concluded in May 2002. Its goal was to strengthen the capacity of Komnas HAM to fulfil its broad mandate. This was accomplished both through specific capacity building activities and by directly assisting Komnas HAM to disseminate an understanding of human rights principles amongst Indonesian officials and the general population. Examples of activities implemented under this program include:

Education and public awareness

This program supported the placement of long term advisers in Komnas HAM to assist that organisation implement its Education and Public Awareness Strategy. In that role, the advisers undertook a variety of activities including participation in conferences and seminars, radio programs and other media work, establishment of a Human Rights Educators Network and implementation of a Campaign on Young Men and Violence. The anti-violence campaign involved, among other things, development of publications and promotional material and a campaign website.

Investigation training

In May 2002 Komnas HAM officials were given training in practical techniques and methodologies relevant to investigation of gross human rights violations. The training was conducted in Jakarta and the Australian input was provided by experts from the Charles Sturt

University School of Policing. The training was considered necessary because under recent Indonesian legislation Komnas HAM now has sole responsibility for investigation of gross human rights violations to be prosecuted in Human Rights Courts. The objective of this activity was to assist Komnas HAM to effectively undertake that role.

Training in national inquiries

National human rights inquiries involve investigations into areas where systemic human rights problems are apparent and they have the advantage of focusing national attention on major issues of concern. During 2001 the Commission held two workshops for Komnas HAM members, staff and NGO stake-holders on the conduct of national inquiries. The workshops provided participants with practically oriented guidance on the design and management of inquiries.

National seminars on human rights

National seminars have played an important role in consolidating efforts to promote human rights in Indonesia and to disseminate awareness of human rights throughout the administration. The Capacity Building Project has supported the Fourth and Sixth National Conferences on Human Rights, held in 1998 and 2000 respectively. The 1998 seminar involved approximately 150 participants from a wide range of government agencies and the 2000 seminar was of similar scope.

III. SOUTH AFRICA

The Commission has implemented a program of cooperation with the South African Commission on Gender Equality (CGE). That program has included workshops aimed at strengthening that organisation's capacity to handling complaints and to intervene effectively in relevant litigation in South Africa concerning gender issues. Several workshops involved the collaborative development of procedure manuals dealing with these areas. These manuals will be utilised in ongoing training provided by that Commission to its staff. Recently, two senior officials of CGE undertook a work attachment at the Human Rights and Equal Opportunity Commission, involving both practical activities and specialised training. The work attachment sought to strengthen their skills in managing sex discrimination complaints and policy development.

IV. OTHER

The Commission has worked on a smaller scale with other governments and national human rights institutions, generally in the technical areas of human rights protection. Examples include work with the Government of Uganda to develop its capacity to conduct national human rights inquiries and with the Fijian Human Rights Commission to develop effective procedures for the handling of complaints.

The Human Rights and Equal Opportunity Commission is a member of the Asia-Pacific Forum of National Human Rights Institutions. In that capacity, the Commission participates in a variety of other international training and capacity building initiatives, implemented under the auspices of that body. These matters are not covered in this submission. It is understood that the Asia-Pacific Forum is providing its own submission to this inquiry.