



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE HUMAN RIGHTS SUBCOMMITTEE

Reference: Human rights and good governance education in the Asia Pacific region

THURSDAY, 19 JUNE 2003

CANBERRA

BY AUTHORITY OF THE PARLIAMENT

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Human Rights Subcommittee

Thursday, 19 June 2003

Members: Senator Ferguson (*Chair*), Mr Brereton (*Deputy Chair*), Senators Bolkus, Cook, Eggleston, Chris Evans, Harradine, Hutchins, Johnston, Sandy Macdonald, O'Brien, Payne and Stott Despoja and Mr Baird, Mr Baldwin, Mr Beazley, Mr Bevis, Mr Byrne, Mr Edwards, Mr Laurie Ferguson, Mrs Gash, Mr Hawker, Mr Jull, Mr Lindsay, Mrs Moylan, Mr Nairn, Mr Price, Mr Prosser, Mr Scott, Mr Snowdon, Mr Somlyay and Mr Cameron Thompson

Subcommittee members: Senator Payne (*Chair*), Senator Bolkus (*Deputy Chair*) Senators Ferguson (*ex-officio*), Harradine and Stott Despoja and Mr Baird, Mr Brereton, Mr Laurie Ferguson, Mr Lindsay, Mrs Moylan, Mr Price, Mr Somlyay and Mr Cameron Thompson

Senators and members in attendance: Senators Bolkus, Ferguson and Harradine and Mr Laurie Ferguson, Mrs Moylan and Mr Cameron Thompson

Terms of reference for the inquiry:

To inquire into and report on:

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

WITNESSES

McMILLAN, Professor John, Commonwealth Ombudsman 149
PHILLIPS, Ms Gaye, Executive Director, UNICEF Australia..... 156
PURNELL, Mr David Lyle, National Administrator, United Nations Association of Australia 167
TAYLOR, Mr John, Senior Assistant Ombudsman, Commonwealth Ombudsman 149
WALFORD, Mr Peter, Chief Executive, Australian Legal Resources International 163

Subcommittee met at 11.25 a.m.**McMILLAN, Professor John, Commonwealth Ombudsman****TAYLOR, Mr John, Senior Assistant Ombudsman, Commonwealth Ombudsman**

ACTING CHAIR (Senator Bolkus)—Thank you for attending this morning. I would like to apologise for the chair, who is unwell this week. I am sure she would have liked to be here. Would you like to make an opening statement?

Prof. McMillan—I will make a brief opening statement. Firstly, I thank the committee for the opportunity to appear and to supplement the words of our submission. The topic of education on matters of human rights and governance, particularly in the Asia-Pacific region, is an area of developing interest and expertise within the Ombudsman's office.

Perhaps I can start generally by saying that of course there are always two dimensions to human rights. As I will indicate, I think our office covers both of them. On the one hand, one of the preconditions for effective human rights recognition is a strong system of government that is incorruptible and that has integrity. On the other hand, a government, as history indicates, can also be one of the threats to the recognition of human rights. The Ombudsman's office really comes into the human rights equation and the good governance equation at both levels. The chief objective of the Ombudsman's office is handling individual complaints to ensure that government is transparent, responsive, accountable, adaptive to change and cognisant of its impact on individuals. On the other hand, the Ombudsman symbolises the right that people have to complain against government. As we always say, it is the right to complain against government that is probably the most important of all human rights.

Consistent with that perspective on human rights and good governance, the Ombudsman's office has been very active in recent years in extending its influence and helping hand to the ombudsmen of the Asia-Pacific region. Some of the particular projects are outlined in our submission. We can talk some more about them. In particular, they are projects focused on providing assistance, say, to the development of the institution of ombudsman presently in Indonesia and Thailand. We have had contact also with other ombudsmen's offices in Vanuatu, the Solomon Islands and the like. The Ombudsman's office, in our experience, in the Asia-Pacific region is a particularly important institution. Indeed, I think that is recognised in the way those offices have been established. Many of the Asia-Pacific ombudsmen have a function that is broader than the Ombudsman institution in Australia. Many of the Asia-Pacific ombudsmen administer a leadership code with a jurisdiction directly focused on whether, for example, the leadership codes and the standards on integrity and conflict of interest are being respected by ministers. As I say, that indicates the important role they play.

The ombudsmen offices in this region are at an early stage of development. They are ones that need the reinforcement and recognition of the symbolic importance of their institution. But they are also ones that need very practical assistance in how you get a government agency to answer and conduct an investigation and how you keep your files and how you manage investigations electronically. We have been providing quite a lot of assistance to them by having them attend our training courses and by obtaining AusAID funding to run regional conferences and things like that. So that is an outline, I suppose, of the philosophic perspective and interest that we have

in the topic and an introduction to some of the practical steps that we have also been taking in the area.

ACTING CHAIR—Thank you. I will start with a question. Obviously, other members will have questions as well. Is there a strategy or plan that you have to develop this concept of the centre of excellence, particularly in the region? Are you anticipating assistance or engagement with bodies such as the World Bank or other international agencies that might be interested in this? Are you going to be relying on funding from within Australia?

Prof. McMillan—I will answer initially. I will then ask my colleague, who has been principally responsible, whether he wants to elaborate. The activity that we undertake at the moment is heavily dependent on having some funding from AusAID to enable us to do it. The activity is not of a kind that we are able to do within our own budget. So getting AusAID funding has meant getting funding very much for specific projects. Those projects for the moment have been focused upon providing assistance to and liaison with the ombudsmen in the region. As far as I am aware, there is no, for example, World Bank dimension to it. But although our activity has been very much focused on specific projects with external funding, I suppose we are generally in contact now with the ombudsmen in this region. We hear from them regularly by, say, email and contact by visits they make. So they are looking to us as a centre of excellence for advice and assistance generally.

As one indication, there is a regional meeting of the International Ombudsman Institute in Madang in Papua New Guinea in September. It is being hosted by the Papua New Guinea Ombudsman. He has already rung me to say that all of the Pacific region ombudsmen will be meeting as a group first to develop their longer term interest and strategy. He wanted me as the Commonwealth Ombudsman to know because one of the things they want to follow up at our conference in Madang is how Australia can be involved. That is an anecdotal indication of how their focus very much is upon the general assistance and example that we can provide. Do you want to add anything, John?

Mr Taylor—To add a little to Professor McMillan's comments, we do have a strategy, if you like, limited though it may be. We have been given AusAID funding for the next three years to provide assistance to Thailand and Indonesia. It is about \$110,000 per annum for each country. So it is a total of \$220,000 approximately over each year for the next three years. That is to provide them with liaison, advice, training and to assist them to attend relevant conferences. Our preference is as much as possible that that money be used in Australia to provide training with regard to which we have a good understanding that it is going to be able to deliver what is necessary. But, equally, when we are dealing with countries that are developing their own procedures, we do not see ourselves telling them how to do their business but rather providing our organisation as a source of guidance and advice.

We are a small organisation, as you would realise. We have about 82 staff. So this is an add-on to our work. We felt that after doing a lot of voluntary work over recent years we needed funding to assist us to do what appears to be becoming more and more a demand on our workload. The Ombudsman will raise the issue of training in the region at the International Ombudsman Institute conference in September and would also raise it at the Australasian Ombudsman conference in July, which we are hosting in Canberra. We are the only ombudsman in Australia that is providing external training for other ombudsmen. In fact, state and territory ombudsmen

send their staff to us for training. We have several courses that we run regularly which we provide to outside agencies on a fee recovery basis.

ACTING CHAIR—Is that the totality of AusAID funding that you get?

Mr Taylor—Yes.

Mrs MOYLAN—Thank you very much for your presentation. I wanted to follow on from that a little. There are two issues I want to raise. One is the level of resources for you to do your work on a day to day basis at a domestic level. From my experience, it would seem that you probably are under-resourced for that. Is that accurate?

Prof. McMillan—Yes. We have a budget of close to \$10 million and a staff of 82 and we operate offices nationally in every capital city. We receive about 20,000 complaints a year and about an additional 20,000 inquiries. The reality is that we are stretched. I will give a simple example. We no longer have a library. We no longer have any law texts. I was recently appointed to the position because of my background in administrative law yet my private library at home far outshines the library resources of my national office. The simple reason is that we have managed to maintain our investigation work by abolishing the library, by ending outreach programs, by stripping back things that we would regard as essential to enable us to keep another staff member on. So, yes, we find we really are stretched.

Mrs MOYLAN—Many of the cases you have referred to you are highly complex. I am not going to bore anyone here with specifics about cases in my electorate, but I am aware of a couple of very, very serious matters that went through to the Ombudsman and there was no satisfactory conclusion until the person came to us and we then started doing some digging around. There were conclusions which were in favour of the constituent. I believe there were serious breaches of people's civil liberties and rights as citizens. I do not aim that as a criticism at your office. I think sometimes there are things going on within our own administration which actually need fixing, and there are some quite serious matters that sometimes bring people into disrepute where they should not have been brought into disrepute. In a couple of cases, I am surprised they have not gone for personal damages as well. That being the case, I understand also our obligations in the international forum to help countries that are perhaps having a bigger struggle than us. But I do not think we should lose sight of our domestic obligations either in terms of our own citizens' human rights. So I just raise that in that context. You talk of 20,000 cases. Is there any way that you can actually measure the success of the work you do in terms of outcomes for citizens?

Prof. McMillan—We have statistical records of the percentage of cases in which we have reached a result that has been on the one hand satisfactory to a complainant and on the other hand shows defective administration by an agency. Those statistics are always disputed because, for example, if the conclusion of an investigation is that an agency has made a decision that is probably right and a dispute has arisen because its decision was not properly explained, then there is naturally going to be a complaint about how you interpret that. In a general sense the better indication of the success of an institution like ours over a period of 26 years is that nearly every government agency with a service delivery function now has a fairly well-developed, sophisticated system for internal complaint handling. I worked in the Ombudsman's office 23 years ago and they did not have that. The primary reason they have it now is because there have

been institutions like the Ombudsman that have said that you have to do that. Indeed, we are now able to send around 70 per cent of complaints initially back to the agency because we know that they can be handled internally.

Mrs MOYLAN—The difficulty with those, as I have discovered and some of my constituents have discovered, is that often the obfuscation, if you like, of facts is covered right through the organisation, which is unsatisfactory from the client's point of view. The other thing is the centre of excellence. Tell us a bit more about that.

Prof. McMillan—Our centre of excellence is probably really a label we have been using to describe the fact that we have identified work with ombudsmen in the Asia-Pacific region as an activity that we think is important. It also indicates the recognition on our part, with 26 years of experience, that administrative investigation really is a complex exercise. We maintain an office with a capacity really to work effectively with agencies across the board. If you do not have an effective working relationship with agencies, if they are suspicious of you, then it is very hard to undertake an effective investigation. On the other hand, maintaining the appearance of independence, of being prepared to be critical of government, being prepared to put the spotlight on where the difficulties occur, is very complex. It is a very sophisticated, difficult issue. That is just an example.

There are many other examples of how administrative investigation is not just a matter of picking up a phone and ringing somebody. It is a really complex exercise. We think we have developed quite a lot of expertise in that area. I think the new ombudsmen in the region realise automatically that their job is more difficult than they thought it was going to be. So we say, 'Well, we are a centre of excellence.' We have been going for 26 years. We have worked out how you survive and keep your repute, and you develop a model that is just copied widely throughout the private sector, widely throughout the Pacific region. So that is what we mean. John Taylor is very much the director of our centre for excellence, as we would call it.

Mr CAMERON THOMPSON—You mentioned a couple of times the wider range of responsibilities of ombudsmen in other Asia-Pacific countries. Is that in your view a good thing or a bad thing? Are they basically able to cope, having a wider range like that?

Prof. McMillan—I think it is a good thing. I think it is quite clear that the ombudsmen in those countries do need support both at a symbolic and at a practical level. The practical level, as I have illustrated, is that they need support in how to conduct investigations. They need support in training. They do not have the capacity to do their own training. They also need the symbolic support of having government recognise and accept that their institution thrives on its independence and continuity. That is possible in a troubled political climate only if, as a matter of first principle, the government accepts the continuity of their office.

As one example, we had one of the officers from one of the Pacific region ombudsman offices over here for one of our training courses. Just as they were about to go back, they found out that their office was not there any more in a physical sense because they had been evicted from the building because the rent had not been paid. When you realise that that is the dimension of the problem they are grappling with, it was handy for this person even to be told they could stay in our office for a couple of days. It is handy for them to be able to key in to a movement and an institutional concept larger than themselves.

Mr CAMERON THOMPSON—Can you give me some examples of what extra responsibilities they are taking on and what complexity that adds to their work?

Prof. McMillan—I will give a couple of examples. John might be able to supplement. They deal with the routine but important complaints, as we would. A person finds that the cheque is not going to the right address, and a government agency will not answer their letter. They do not understand the advice they have received.

Some of them deal with a type of complaint that we would not deal with, such as land disputes in their region, where the government is partly responsible for developing the rules on land ownership and use. In some of the smaller communities, the ministers themselves can be involved at a commercial or proprietary level in the dispute. They can be both the government minister and a participant in the dispute. So the Ombudsman can stand aside and investigate that.

I suppose at the next level up, you do get the problem of corruption and malpractice within the ministry. Some of the Pacific region ombudsmen, as I indicated earlier, administer the leadership code. So they can bring down a report which says, ‘We find that the minister for such and such to be in breach of the ministerial code for reasons of corruption or whatever.’ That is a function that ombudsmen in Australia do not directly have. They can indirectly put the spotlight on corruption at the higher levels of government, but they do not have a direct responsibility or role as some of the Pacific ombudsmen have in investigating breaches of the leadership code.

Mr Taylor—I think the leadership code is probably the most significant aspect where we vary in terms of responsibility. To be able to investigate members of parliament and ministers is something, of course, the Ombudsman in Australia does not have the power to do.

Mr CAMERON THOMPSON—Given that you are in a position where you are offering advice to them, does that create a bit of a difficulty? You are trying to run courses and provide advice. This must be a bit beyond your scope, isn’t it?

Mr Taylor—Until recently, we were doing this as a voluntary thing with ad hoc projects like seeking limited funding to bring a couple of people out for a conference, which we had done several times in the last year. We realised it was becoming more than our capacity to respond in a general, friendly way. So we sought specific funding. But we routinely get inquiries and requests for advice from either reasonably senior ombudsmen staff who have spent time in Australia, and therefore have developed relationships with our staff, or from ombudsmen directly on a wide range of issues. But it is more that the advice tends to be at a practical level. There is advice on probity issues, for example. I can think of one where the Ombudsman of a small country sought advice from us on probity issues surrounding the tender of a contract for computer equipment.

That, I think, is healthy. It suggests by exposure to us that they recognise there are wider issues that in their culture normally would not have been a problem. When you have communities or small countries where many people are related—the country might have only 200,000 people, where the investigators are investigating people who are relatives or friends—it does raise issues that they may not have had to think about until they were exposed to a broader culture and style of training and education that we can offer.

Prof. McMillan—I will add one brief remark. It is premature for me to give a full answer to that at the moment because I have only been in the job for a short while and most of my contact with the ombudsmen in the Pacific region was from my former role as an academic. I would see them come through the ANU. But I have an open mind, from when I meet them at conferences in the next year, as to what kind of informal collegiate support we can provide. But I do see examples in Australia.

For example, recently in our office, the Western Australian Ombudsman asked us to investigate a complaint because there was the concern that an investigation from within their office would have looked tarnished because of an alleged perceived conflict of interest. That is a capacity that the ombudsmen, when there are multiple ombudsmen offices at a similar level, try to preserve. They can sometimes step in and provide sometimes informal but sometimes quite formal, on-the-record investigatory assistance.

Mr CAMERON THOMPSON—Has there been any request from those countries for you to be involved at that kind of level?

Prof. McMillan—Not that I am aware of, no.

Mr Taylor—And there would be some significant problems for us to be involved in that sort of thing. We do not see that as our role outside Australia.

ACTING CHAIR—I have a question that follows on from Mrs Moylan's question earlier. You indicated that something like 70 per cent of your caseload can be diverted back to departments. I share her concern that sometimes matters are not handled quickly or properly. How do you monitor how they are handled? Is there a mechanism in place? Can you put mechanisms in place for quality control and the like?

Prof. McMillan—We are looking at that issue at the moment. Perhaps I can explain. As somebody who has recently been appointed as Ombudsman, the fact that 70 per cent of complaints were diverted back to the agency was, for me, an initial source of concern. It really raised the question of whether the Ombudsman's representation of itself as an office of last resort in terms of complaint really was the correct message to be sending out.

Internally, I understand that there are two explanations for the 70 per cent figure. One is general satisfaction with the quality of complaint handling in agencies and a pragmatic realisation that that has been one of our coping mechanisms in a tight budgetary climate. But I still have an open mind about whether, for example, we have been a little too rigid in sending people back to an agency if the issue has not been fully explored. There are people who are very uncomfortable in dealing with an agency, so we are looking at that issue at the moment. I have somebody doing some initial work for me on it. We have identified it as one of our issues for discussion at a senior executive level. So I share the concerns that others have about how effective the assistance is at times. I am aware of instances in which our office has not necessarily been an effective help to some people as other offices can be.

Mrs MOYLAN—I think the difficulty, as I see it, with the constituents I have had to deal with in these kinds of situations is that they have lost confidence. They will quite often come to you and you say, 'Well, have you taken this matter to the Ombudsman?' Many of them have

tried to sort the problems out. I realise your job is a bit like the Family Court: sometimes, no matter how hard you try, you cannot bring about any agreement points between the two protagonists. In some cases, there has been a serious deficiency in referring back to the agency themselves for internal investigation where clearly, as I said, there have been untruths told or things covered up and it has gone right through the organisation. I have seen a couple of very concerning situations like that where people's reputations have been on the line. As I say, I think it is a breach of their civil rights.

They must be able to feel they have confidence that there is truly an independent person they could go to. From some of the transcripts I have read in the past in relation to the most serious cases, one gets the feeling in some circumstances that the Ombudsman is just too friendly with the particular agency that is being investigated and people have completely lost confidence that their matter will be dealt with in a serious way.

Prof. McMillan—I am aware of all of those concerns. Obviously, I was aware of all of those criticisms when I came to the job. To some extent, it was an advantage coming to the position from outside the public sector.

Mr Taylor—I might add something. In our defence, the Ombudsman Act does require that a complainant take their complaint up with the agency first unless there is good reason. There will be many times when we will investigate, despite the fact that they have not taken it up with the agency, particularly if we are not satisfied that the agency has adequate complaint handling mechanisms. But over 90 per cent of our complaints are about the top five or six agencies: Centrelink; Child Support; Tax and so on. Those agencies by and large have adequate complaint handling procedures, which we monitor. But we also say to complainants, 'If you're unhappy with the department, come back.'

But we recognise that there is complaint fatigue, too, and people will run out of energy. From time to time, we do surveys of complainants to see how we are coping and how we are dealing with their complaints. But it is not a perfect world. When you look at the numbers involved and the resources we have, our track record is quite good.

ACTING CHAIR—On that note, I thank you for your evidence and your submission. The secretariat will be in contact with you and will send you a copy of the transcript in case there is any need for corrections. If we need any more information, we will be in touch. Thanks very much.

[11.58 a.m.]

PHILLIPS, Ms Gaye, Executive Director, UNICEF Australia

ACTING CHAIR—I do not know if there is anything you need to clarify or correct in your submission. Otherwise, would you like to start by making an opening statement.

Ms Phillips—Thank you. I will start off with an opening statement. First of all, thank you for the opportunity to appear today. UNICEF acknowledges that sustainable development must be found in the promotion of human rights and must focus on improving the capacities of local communities and nations to effectively govern themselves. In this sense, UNICEF promotes human rights and good governance education as central to development programs to ensure that the most disadvantaged, the vulnerable and the unreachable members of communities, who are most often women and children, are empowered to act in decision making roles.

UNICEF has adopted a human rights based approach to development quite deliberately because, apart from its impact, it demands of UNICEF a much more clarified approach to programming both conceptually and on a practical level. It has enabled us to move away from single issue based, small-scale and often top-down interventions to community initiated process, conscious and participatory programs for the realisation of children's rights.

There are a number of activities that need to be undertaken before you really seriously embark on a human rights based approach to development. Certainly it begins with analysis from a rights perspective in order to understand the mix of causes that together prevent some citizens, especially children, from enjoying their rights. So we must really deepen our understanding and ensure that the data we are collecting is disaggregated by sex and geographic origin and age and ethnicity in order to expose disparities, because disparities are where the impact of a good human rights development program will be seen. These are often too much concealed by averages.

But a rights based approach really also affirms that children and women are the subjects of rights or, in other words, they are rights holders and not just objects of charity. So this is a significant change in the approach to development for women and children because it enables children within the context of their own evolving capacities to participate in processes and the decisions that concern and affect their lives. So the principle that benevolent and charitable actions, while good, are insufficient from a human rights perspective drives UNICEF's work. A rights based approach is based on the premise that there are shared interests between rights holders and those working to help realise rights.

In summary, I want to make three simple points. A human rights based approach to development recognises that people do have the capacity within themselves to make a difference to their own lives. The approach demands people's own capacity as the starting point of any action. A human rights based approach requires community based participatory processes that empower people to take actions. It is based on people recognising their rights and their obligations towards each other. It is built on a sense of respect and dignity and human mutual obligation. So it enhances people's own capacities to develop themselves. But we need to bear in

mind that the wellbeing of women and children is heavily determined by what happens in the private spheres of their lives—within their families, households and communities. With regard to children, the ability of parents, and to a great extent their mothers, to provide for and to protect them is the key determinant of their survival and development. A rights approach requires UNICEF to find effective ways to influence the outcomes for children at the family and communities level with the family and community as well as through the institutional and administrative arrangements of the state at local and national levels.

Finally in my opening statement I want to again emphasise a point in the submission. It is imperative to link education and good governance to the implementation of effective service delivery. If families and communities are being educated about the child's right to a name and a nationality, they need to see this in practice in their own communities with effective birth registration programs. If human rights and good governance education are not sufficiently supported by tangible outcomes in terms of improved social, political or economic conditions, there is a real risk that people will come to view human rights and good governance principles as, in effect, rhetoric.

In conclusion, I really want to invite the committee to take advantage of the opportunity that I have to appear before you. I realise you have had a number of statements. This whole area is extremely broad and can cover almost anything. So I really want to emphasise that I have made a commitment to come to help you through any of that. If I can help you at all, it is to unravel the approach to good governance, human rights education and development. It is an extremely complex and all-encompassing topic. The way I find it easiest to understand is really from a practical point of view. UNICEF provides me with that opportunity every day.

Just this week, for instance, in the Congo, an area, of course, plagued at the moment by an incredible escalation of violence, UNICEF supported the return to school of children in order that they could sit for their final exams. So 1,000 primary school children will be assisted to sit for those exams with UNICEF's help because UNICEF worked with local educational authorities to ensure that these sixth grade students will have the opportunity—and especially because most of them are girls—to finalise their school year. That decision is taken cooperatively with the UN peacekeepers, the multinational troops and, of course, the local community, including the parents of these girls and the children themselves, to enable those children in a practical way to exercise their fundamental right to achieve their education.

It is not just important for their schooling. Of course, it contributes to a sense that a return to peace is possible because you can stop it at least long enough to do an exam. So there is a window of opportunity to return to peace. It also enables those children to feel that they have a stake in the future of their country because they are now participants in their own development towards being responsible decision making people with the equipment—that is, the education—that will enable them to be part of empowering decision making in their community. So it is those kinds of practical examples that I think really give a face and a reality to a human rights based approach to development. Thank you.

ACTING CHAIR—Thank you. Your submission seems to reflect a concern that the policy is not sufficiently clearly enunciated and that the programs have been reasonably ad hoc. I wonder to what extent you view the actual programs having to be ad hoc, or can there be greater

consistency? And what do you actually mean by a much more clearly enunciated policy? Are you talking about rewriting AusAID's objectives, in a sense?

Ms Phillips—Kind of, but not entirely. Let me clarify that. I think it is really a difference in approach between the way AusAID has set its framework and model for development and good governance and the way UNICEF would tackle it. The difference is really not just in semantics but in an overall approach. For instance, AusAID looks at it in the frame of poverty alleviation. So good governance and human rights will be derived from a program of poverty alleviation. It is an outcome. UNICEF turns it on its head. It is what I prefer, because UNICEF's policy starts and ends with humans. So a human rights base begins the processes and outcomes with humans who are, after all, the main players, rather than with poverty, which is simply a condition.

So I think it is really a perspective and an approach. I suppose it is the doughnut and the hole in the doughnut, really. You can look to a development approach that focuses at the beginning and then forces you to continue that approach to the outcome, beginning and ending with humans and their own ability to determine their levels of respect and dignity towards each other at a very local level. That will then begin to alter their obligations towards each other. I believe that then forms the basis for good governance within the whole community.

You can see it in the relationship between men and women. For instance, if you begin with human rights and development, then you are talking about relationships human to human. That is the male figure in the community and the woman. Usually the power imbalance is obvious. The woman is the worker and is continuing to work long hours and oppressively so. Therefore, she is unable to do other things like educate her girls because they are being involved in labour and fetching water and vegetables and all of that. If you can begin in a community at a community based level, you start to alter the perception of men and women and their roles and their input into their own development, such that the men and women begin to understand there is a dignity and respect in sharing the workload. If you have the man, for instance, instead of the woman tending to the vegetable field while the mother takes her girl to school, now you have a possibility where the men and women are sharing the load.

It is a good example of governance because it is enabling. It is creating an environment that is really approaching their poverty quite differently. The man and the woman are now cooperative partners enabling their child, the future, to develop an education that will in fact break the cycle of poverty. So I guess from UNICEF's point of view, it is really the approach. So while I am certainly not critical of AusAID's fine work, and we are a recipient of its largesse, I would say it is purely the approach and the model in which we vary. I guess I have seen in action in the field that if you begin and end change with people who are affected intimately by the circumstances and can understand that change will lead to a benefit for their children, then you have development. They are models of governance that can then be imitated and duplicated and echoed at higher levels of the community.

ACTING CHAIR—Aren't you in danger of almost insurmountable social and cultural resistance in some of this? Is that an issue which would make it more difficult to achieve outcomes?

Ms Phillips—It depends on the circumstances of the country. Obviously there are some countries in which some practices are less open or there would be a slower development process.

I have to say UNICEF works in 160 countries. It has been involved in development for a very long time. Our experience is that there are many, many ways to effect change. It is certainly very important in communities where men are the key power holders and the key stakeholders of decision making to work very closely with the men to educate them and inform them about the benefits.

For example, in Niger, the early marriage of girls is a huge problem in that part of the west coast of Africa. It is one of the largest statistical areas where the very early marriage of girls from the age of seven, eight and 10 is very common. UNICEF has broken that cycle in Niger, in part with some help from AusAID, not by coming in and saying, 'We're going to put in a poverty alleviation reconstruction program' but instead by working with the men and at the top level, with the king. The king has in fact become a partner with us. He travels in a roadshow with UNICEF around his villages and is convinced that he is doing his country harm by causing this grief to the young girls at such an early age. The phrase he has developed is 'wait for the fruit to ripen and it will be a sweeter fruit'.

The impact of early marriage on girls is early pregnancy and then difficulties in child bearing, usually resulting in death for the girl and certainly for the baby. So fundamentally, in terms of development, you are going backwards if you are killing your women from an early age. Working with the king has enabled him then to speak to the men in the community; the women cannot. I think that is where UNICEF's advantage lies. We have a seat at the top of the table because we are a UN organisation, and we have a seat at the community level because it is about the effective delivery of tangible services, such as vaccines and clean water. So there is credibility at both ends.

Senator HARRADINE—I am thinking of the Burma situation. AusAID has a program there. You are in Burma as well, aren't you?

Ms Phillips—That is right.

Senator HARRADINE—There are gross violations of human rights there. How does UNICEF's approach deal with those questions? Are you doing it from the base of the inherent dignity of each of the human beings there?

Ms Phillips—Precisely. We took a deliberate decision, both UNICEF and UNICEF Australia—UNICEF Australia was the recipient of AusAID funding where other NGOs were not for many years—to stay in Burma because fundamentally UNICEF takes its approach globally. You cannot punish the children twice. If they have an oppressive regime which is restricting their human rights and their development and their ability to really become who they should be, you also cannot punish them by depriving them of the services they need to survive and develop and to come through an oppressive regime. So we stay where others will not stay because we feel the children are still there and you need to continue to provide services for them.

So the modelling we have adopted there is the human rights development model. It is that we engage individuals from that local community, who are then trained in a village model to be change agents within that community around specific issues, such as health and specifically around safer birthing practices, for example. So you would train a local person to be the midwife, who then works within her community to train other women to be her assistants, so you

are no longer having an authority that is imposing externally but you are now working from within and their own communities are spreading the messages. From within that small community you can then move to the next level, the sublevel, and then to a district level and then to a wider regional level.

It is almost, crudely I suppose, the contagion of creating a movement where the people themselves are seeing changes in health status for their own friends and families. So they are seeing that if they are empowered with information about how to better deliver babies, how to better nurture those babies—information being a solid part of your rights and your fundamental building block to rights—that information then frees them to deliver their children safely. It then enables their children to survive longer in order to get to a school and so on. So you are building the capacity of your country and you are building its ability to govern itself and be empowered from a very pragmatic starting point in life—the mum and the child—not in a way that says, ‘We’re creating ideological and institutional capacity because there will be a court and a law about birthing.’ That may well happen, and that is fine, if that is the case.

But the practical reality and the observation of that good governance is at that village level. It is with that trained birth attendant delivering healthy babies and the joy that brings to a community and, therefore, their willingness to continue to engage in education and better health practices. In order to do that, you have to be cooperative. Cooperation and sharing obligations are a fundamental part of democracy. They are a fundamental part of good governance. It is about the exchange of information and cooperation.

For me, the impact from the community up in order to sustain good governance is absolutely essential. It is inseparable for many national or international covenants. You can also impose or introduce it at the same time. I am not saying the two are exclusive. UNICEF works in both. But certainly the power in the community comes from the engagement with women and children. So I think in Burma that is where we are seeing change and that is where you are seeing the health statistics alter. For women and children there has been an increase in the indicators for mortality and morbidity, the child health indicators, while the country has continued to have, of course, human rights abuses. But you need to maintain the safety and health of your community no matter what the circumstances are politically.

Senator HARRADINE—Are you seen as part of a government arm in Burma?

Ms Phillips—UNICEF, because of its charter and mandate as a UN agency, is obligated to work with governments. If it goes into a country, it works with governments. That is part of the sustainability as well; we are not in there to do a quick fix, to sweep in like a seagull and fly out. The idea is that you work with governments to sustain a program that the government will then pick up and have an obligation and responsibility for. Yes, UNICEF is seen as working with governments.

However, UNICEF has a reputation and credibility. UNICEF has been in Burma now for 50 years. So its credibility at a community level and the practical results people see quarantine it from being a hand of government. I think your works will speak for you in complex circumstances like that. UNICEF always puts in very skilled, senior representatives in those situations who will not be drawn into the arms of government but rather will be seen as

supporters of the community to enable development rather than as a partner of the government in any negative way

Mrs MOYLAN—Thanks for the presentation. I am interested in pursuing a little further the idea that AusAID or the government needs more clearly articulated policies in relation to the Asia-Pacific region. There are two issues that really come to mind here. One is you have highlighted Burma as perhaps a model. But are they a homogenous group, where one policy fits all, if you like, in this case? Secondly, what kind of access does your organisation have to discuss policy direction with AusAID and at what level?

Ms Phillips—I will answer the second question first. I have good access to AusAID at a very senior level. I was on the aid advisory council in its inaugural incarnation. I am not on that any more, but I am part of the director-general's top 11 agency briefings. Certainly we have absolutely open access to making appointments and seeing anyone at any level at any time. I have never been given even an impression that that would not be acceptable. I am invited to submit written papers and discussion about all of their policy development and country program strategies. We do that. From time to time, I have been invited to address their senior executive management when they are in policy formulation about the differences between our rights based approach and the poverty alleviation strategy. I think really that is the kind of difference that is fundamental to us.

Mrs MOYLAN—I want to make a point about that. Are you talking about a fundamental difference of approach when you talk about a more clearly articulated policy, or are you talking about a consistency of approach?

Ms Phillips—I am talking about both. I find that, in my view, to articulate a development strategy on poverty alleviation is derivative and one should start with a human rights based development approach from which poverty alleviation will be a good outcome. I also find inconsistency, and this is why I mentioned Burma. There is quite a strong human rights development program and funding in Burma institutionally from Australia to Burma, yet I am not seeing that same language and approach applied consistently across the region. It happens—certainly there is institutional strength and there is capacity building—but it is not in the same structured model as the Burma one. So I find it interesting that there is within AusAID—and you could have unique models within the system—good elements of that Burma human rights education model that could be applied across the region. It would be a good opportunity for AusAID to look at how they will replicate the successes there.

Mrs MOYLAN—Have you actually had discussions with them about it?

Ms Phillips—In general terms, not in any way that would shape a new policy paper. I suppose there is a sense that 'rights based' is not as fashionable a phrase. So to begin a conversation saying that I am coming from a rights based approach puts up a couple of barriers. First of all, I need to say that it has a practical face and it is really about these things and it is about these outcomes and these activities. It is no different from the way we manage our own lives here and we see the same examples in our own families. So there are ways to come around that sense that it is not quite fashionable to talk about development strategies in terms of rights but rather in terms of economic models like poverty reduction. I think that is just a conversation you continue to have without closing any doors.

Senator HARRADINE—On the birth naming, it is very important, obviously, that a child should have a name. That struck me, reading through your submission. I did not know whether that was the case. That is in Bangladesh.

Ms Phillips—Yes. We have a particular project there. We have a number. We are looking at one in Papua New Guinea as well. It is in my own committee.

Senator HARRADINE—I see. In Aceh, I think your submission, if I remember it, talked about a non-violent human rights approach amongst Islamic groups. Is that right?

Ms Phillips—That is right.

Senator HARRADINE—That is the Australian committee?

Ms Phillips—The Australian committee developed that, in conjunction with UNICEF, as obviously our implementing partner in the field. We certainly used Australian expertise as well as Indonesian expertise to look at how you can incorporate into a traditional Islamic curriculum peace and conflict resolution and how you can talk about conflict in terms of respect and dignity without needing to resort to violence. Aceh is currently, at least, a place of great violence.

Senator HARRADINE—There are 28,000 troops there.

Ms Phillips—That is right. That program is effective in schools. It does not mean it is going to be the magical solution to Aceh's problems. But I think programs like that are really essential to be running while conflict is going on. They need to be put in place so that you have some integrated approach institutionally across curricula in schools where children are really coming to terms with their own roles in governance and their own future roles as leaders so that they are seeing alternatives. That particular model we are now looking at replicating in Irian because it has been very effective. It has a huge emphasis on the leadership role male children need to take in the resolution of conflict and alternative ways they can do that. So from an educative point of view it has been a very effective policy. Unfortunately, the politics in Aceh and the circumstances of violence are larger than our curriculum allows us to correct.

ACTING CHAIR—Thank you very much. Thanks for your submission and for your evidence this morning. The secretariat will be sending you a copy of the transcript in case you need to correct something.

Ms Phillips—Thank you.

[12.26 p.m.]

WALFORD, Mr Peter, Chief Executive, Australian Legal Resources International

ACTING CHAIR—Welcome. I do not know if there is anything you need to clarify or correct in your submission. If not, would you like to start by making an opening statement?

Mr Walford—Perhaps I will provide a brief explanation of where ALRI fits and what we try to achieve. Very briefly, we operate from within the Australian legal community. We were initially founded to source law books and donate them to developing countries. From that genesis, we became actively involved in helping promote the rule of law and the law and justice systems in developing countries. Over the years, we have worked particularly in the Palestinian territories, in the Caribbean and in Africa. We are currently involved in Indonesia and East Timor. We have an expectation this year we will begin to operate in Sri Lanka, where necessarily we will work as a boutique NGO; that is to say, we are constantly under-resourced having regard to the opportunities out there for us to do what we do.

Senator HARRADINE—I thought boutiques were over-resourced.

Mr Walford—I think it is a question of perspective and where you sit in the scheme of things.

ACTING CHAIR—Either inside or outside.

Senator HARRADINE—I was not thinking about your sort of boutique.

Mr Walford—It would be nice to say that we are over-resourced, but I am afraid it is exactly the opposite. To give you an idea of the scale of our operation, I work with a team of only five people. Three of them are based in Sydney and two of them are in an office that we maintain in Jakarta. That team is responsible for everything that ALRI does. I also have to say that we receive unstinting support, particularly from the judiciary here in Australia. Our classic modus operandi is that judges from various jurisdictions will take their annual leave or their long service leave and go off to exotic parts on missions for us to work with their counterparts in developing countries. So we are basically, I guess you would say, a facilitating agency.

Our whole objective is to promote human rights from the top down by working with the judiciary in developing countries and sharing with them the experience that we have available here in Australia. Remember that we actually at present are at the end of over 2,000 years of developing concepts of democracy and human rights. But we are hopefully helping countries, which have not had the benefit of developing in the way that we have, achieve perhaps in 20 years what has taken us 2,000 years. But that is the essence of that niche, if you will, that ALRI seeks to fill. It is the extremely long and subtle time frames that we are working within. We are seeking to change perceptions by example. As you heard in evidence earlier, you cannot help people help themselves by going forth and saying, ‘Oh, we’re here to tell you how to do it.’ That is the very last thing. One of the things we have discovered is that there are opportunities to learn as well as to teach.

So I guess it is fair to say that, from where we sit, our particular focus is on creating an environment in which other agencies like UNICEF have the opportunity to do what they do, not necessarily with confidence but at least with the hope that the agencies in the country where they are operating that have the power to help or hinder them are perhaps going to be more inclined to help than the latter because they have had an opportunity to see the benefits of genuine human rights. I guess that is a fair summary of the objectives that we work towards.

ACTING CHAIR—Thank you. I will start with a question. The successful projects that you seem to have identified for us are mainly in Indonesia and East Timor. Does that reflect the totality of your engagement? Secondly, you talk in your submission about obstacles in terms of forging links and in terms of political and societal will and so on. Could you give us a bit more detail in respect of those sorts of obstacles and whether you are finding ways of overcoming them.

Mr Walford—On the first issue, yes, as I mentioned, our focus at this point in time is particularly on Indonesia and East Timor and most particularly on Indonesia. During the first five months of this year, we successfully delivered something like nine separate projects into Indonesia. You must recognise that in our scale of things the projects are relatively small and short-lived. For example, there will be a human rights training workshop for the ad hoc appeals of the human rights appeals tribunal that was recently established. There will be training in human rights prosecution techniques for the prosecutors that we are currently seeing on television, as it happens, in a couple of instances, where we are able to make available to the Indonesian prosecutors a chap who just happened to be an Australian but has been prosecuting in the Hague. So before their first need to actually run a human rights trial, they were able to hear from somebody who has been doing it and has the sort of practical knowledge that is needed to do the job properly.

The obstacles that we face, I suspect, are the same obstacles that anybody in the business of trying to help other people constantly faces. I mentioned earlier we effectively act to bring together the recipients of Australian aid and those who can provide the form of aid that we specialise in. This means we need two things. We need to have a recipient who is interested in receiving what we have to offer and then, being quite blunt about it, we need the money to marshal the resources to provide what we are doing. We are quite fortunate in that, particularly over the last 18 months, we forged very strong relationships in Indonesia at the level of the chief justice. That stands us in fairly good stead by way of being sure of a welcome for the type of work we are able to do. The difficulties that we have faced, however, are the usual ones. There are far more opportunities for us to be doing things than there are funds available for us to do it. Our main source of funding is AusAID. I have to say we have found AusAID to be very approachable and very amenable, but at the same time they are obliged to operate within the constraints that they have to face up to as part of the broader picture that they are required to administer.

We also source funding from US aid. We work through multilateral agencies such as the Asia Foundation. In effect, we endeavour to source funding from wherever we can on the basis that we always have projects ready to start as soon as we can find the money. Because we are a very small operation, we are able to subsidise our own ongoing costs by way of sourcing corporate donations and other moneys. As a fully accredited agency of AusAID, we are at least assured of, in the current financial year, \$135,000 in funding. I have to say that that is less than half our

annual operating costs, but at least there is some certainty. They are the difficulties we are grappling with. They are not unique, but they become a contentious issue from our perspective because we are dealing constantly on an ad hoc basis.

We have a proposal or a project which we know to be worth doing. We have to hawk around, if you will, to find a funding agency. I had a classic case in March, where there was an opportunity to run two workshops in human rights training. One was for judges of the High Court. The other was for the prosecutors that I mentioned earlier. The timing was such, by way of our being able to resource it, that I wanted it to run within a two-week window. Unfortunately, AusAID were only able to fund one of the workshops, which they were very pleased to do, I have to say. The second workshop was funded for us by the Asia Foundation with US aid money. So we were in the position as an Australian NGO that for a week we were literally running two workshops parallel in the same physical location outside Jakarta. One was funded by Australia and one was funded by the United States. It worked beautifully, I have to say, and the degree of interaction between people who have a history of not necessarily communicating openly with one another by the end of the period was very good. But it was an opportunity where there was an element of frustration in making it happen.

Mrs MOYLAN—Thank you very much for your very detailed submission. I do not have any questions.

ACTING CHAIR—One of the assets you have is obviously access to the material—the hard copies, I suppose, of educational material and programs. To what extent would greater access to computerisation facilitate what you need to do? Do you have that available to you given the environments in which you are working? Is it still premature?

Mr Walford—It is interesting that you raise that point. I mentioned the Chief Justice of Indonesia. Under the auspices of the Federal Court, the Federal Court is expecting to invite the chief justice to come to Australia later this year for discussions about programs in Indonesia next year. My informal understanding is that the chief justice has expressed interest in seeing court management systems here in Australia. They already have the equipment in Indonesia, but the donor agency that provided the equipment apparently did not provide the necessary infrastructure training for them to be used. I know a classic story of aid. I believe it was not an Australian agency that provided the equipment. It is an area, yes, that we have in fact been involved in to an extent last year through our government sector linkage program into Indonesia. If the funding were available and if we had the certainty of funding into the medium future, we could commence what is in fact a long-term commitment.

You cannot, as I was just saying, drop computers on somebody and say, 'Great, we've done the job.' We would certainly like to be involved in it because we have access here in Australia to a lot of people who have been through exactly that process whose experience we can make available to others, which means the learning curve is going to be a lot less difficult for them than it was for our people.

ACTING CHAIR—Thanks for your submission and for your assistance this morning. The secretariat will be sending a copy of the transcript of your evidence to you in case you need to clarify or correct anything. Thanks very much.

Mr Walford—Thank you.

[12.41 p.m.]

PURNELL, Mr David Lyle, National Administrator, United Nations Association of Australia

ACTING CHAIR—Welcome. Is there anything in your submission that you need to correct or alter? Otherwise, you might like to make an opening statement.

Mr Purnell—Thank you very much. I am pleased to have the opportunity to speak to our submission. I am representing the UN association's executive committee. Unfortunately, our national president, Margaret Reynolds, is not able to be here today owing to other commitments interstate. The submission draws attention to our longstanding commitment to advancing human rights education and, in particular, mentions Margaret Reynolds's role on the national committee of human rights education and her work with the Commonwealth on human rights as well. Not surprisingly, we lay particular emphasis on the way in which Australia can support the ideals of the United Nations in promoting good governance and human rights in the region. We also are supportive of the submission of the Australian Council for Overseas Aid, of which we are a member. In particular, we are attracted by their comments about strengthening civil society partnerships, working for a second decade of human rights education and strengthening human rights institutions in Australia and the importance of a whole-of-government approach.

We see the adoption of the millennium development goals at the UN as a basic framework within which human rights and good governance can be integrated. We recognise the government has committed itself in principle through the declaration to these goals. We hope they will be implemented in practical policies across all agencies. Just the other day, we were shown a report by the UN Development Program called 'Promoting the Millennium Development Goals in Asia and the Pacific'. It was a very useful resource. This in fact sees the millennium development goals as a firm commitment to a broader and more inclusive process of human development. It highlights some of the things that have already happened in the region on human rights and good governance. Of course, education is an important part of this whole process.

We acknowledge the work that has already been done by AusAID and the Australian Defence Force in promoting an awareness of human rights and good governance. We see the importance of a cooperative approach between government and non-government agencies. In the Asia-Pacific region, we are very pleased with the role of the Asia-Pacific Forum of Human Rights Institutions in capacity building and believe Australia could encourage the holding of a regional workshop on education by that body. We also support the work of the Asian Regional Resource Centre for Human Rights Education in Bangkok and especially its directory and catalogue of success stories. I am not sure whether the committee has access to this, but this is the document I am referring to. I am quite happy to leave it with you if it is useful. It is essentially a long list of agencies throughout all the region that are working on human rights, particularly with all their contact information and so forth. So it is a very impressive document, I must say.

ACTING CHAIR—Thanks very much.

Mr Purnell—Recently, we have been advised of an initiative by the South Asia Learning Institution for Human Rights Education to organise a training program on human rights educators. In fact, it is being held this month and next month in India. The aim there is to develop a new vocation of human rights educators for social and economic transformation at the community level. Of course, UN agencies are involved in the region, and particularly UNESCO and UNICEF are providing resource materials. The UN Development Program and the High Commissioner for Human Rights are giving technical support. In fact, the UN regional conference promoting human rights was held recently.

We are impressed that progress is being made in individual countries of the region on human rights education, not only by government agencies but by professional groups, educational institutions, business and unions. I think you have had an address already from the Centre for Democratic Institutions at the ANU. I would just like to acknowledge the work they have done in promoting human rights and good governance education in the region, and particularly their workshop held in 2000 in Bangkok on the design and teaching of human rights programs. Recently, in February, they helped to establish an Asia-Pacific judicial educators forum.

At the end of the submission, we have listed a number of recommendations, six in all, essentially asking that the government support the holding of a second decade for human rights education; that it should adopt a whole-of-government approach to promoting human rights education within Australia and the region; that it should provide more funds for the development of school curricula and for a national coordinator of human rights education programs in our schools; that it should encourage the Asia-Pacific Forum of Human Rights Institutions to hold that regional workshop on education that I referred to; and participate fully in UN fora on human rights and good governance education and, wherever possible, include NGO representatives. It also needs to build upon the excellent work done by the Australian Defence Force in particular and encourage human rights education for all those engaged in law enforcement and other government activities.

Finally, I would like to mention that we have put in a separate submission to the inquiry into the human rights commission bill because we are concerned that changes to HREOC might alter its capacity to promote human rights and good governance education in the region. I will leave it at that, because we have submitted that to a separate committee, so I will not talk about that.

ACTING CHAIR—I will start with an easy question. The 2002 national conference on human rights education observed that the UN decade had made very little impact in this area. Where would you identify the major problems being? Are they within government, within departments? Are they Commonwealth-state cooperation issues? Are we targeting the wrong area, for instance? Are we targeting just schools when we should be targeting workplaces?

Mr Purnell—I guess you have to start where you are. That is one of the reasons we have suggested this national coordinator role, because we figure that unless you have someone who has a specific task of trying to draw things together and make them work—

ACTING CHAIR—But draw what together? From your experience, where is the system failing now?

Mr Purnell—There are quite a lot of individual initiatives in different parts of the country. They depend very much on the particular situation or teacher or resource person. They are not as well integrated into the curriculum. If you had somebody at a national level who was actually identifying what was happening and could share that with other people, people might then say, ‘Okay, there is something there that I can draw on and build on.’

ACTING CHAIR—But that person wouldn’t be effective, for instance, if you did not have a whole-of-government approach or a cross-government approach or if you were focusing on the wrong area. From your experience, putting a person on top of the pyramid does not necessarily alter what is underneath. From your experience, where are the roadblocks?

Mr Purnell—I think they are mainly at the curriculum implementation level, really. People think it is a good idea, but then it requires somebody to actually find the material and make it fit in with what they are doing already. You probably need some reinforcement from the top and some work at the local level as well. So it is a bit of a multifocal thing.

Mrs MOYLAN—I am sure I attended a function here late last year through the Attorney’s office that Dr Eric Taylor was heading up.

ACTING CHAIR—That was a citizenship committee.

Mrs MOYLAN—It was a good governance education program which is to go across the schools. I think there has been quite a lot of progress made on that. I have not checked just recently, but I will be meeting with him shortly. I wonder whether you are aware of that and how it might fit in with some of the issues you have raised.

Mr Purnell—That is where I would defer to Margaret Reynolds and her experience on it.

Mrs MOYLAN—The secretary just reminded me that it was the Citizenship for Humanity Project.

Mr Purnell—Okay. I am only aware in general terms of the fact that that group is trying to promote it. I know they have complained that they have not had enough resources to do what they want to do, so I am aware of that. But I do not have all of the details of that particular initiative.

Mrs MOYLAN—It might be worth while taking a closer look at what they are doing and see what linkages might be forged there.

ACTING CHAIR—That was going to be my next question. Do you have any more? I am not accusing you of poaching.

Mrs MOYLAN—I am sorry.

Senator HARRADINE—I have a question about the definition of human rights and the basis on which to claim one’s human rights. What is the fundamental basis?

Mr Purnell—I guess it all goes back to the Universal Declaration of Human Rights and the various covenants that came out of that which have been incorporated in various pieces of legislation. Not all of them, of course, but quite a few of them have been incorporated in legislation. When there are protocols to those things, it allows people an extra avenue of appeal to a UN forum, where they cannot get satisfaction locally and that sort of thing. So that is where it comes from, I guess. Is that what you are getting at?

Senator HARRADINE—I was following up, really, from what UNICEF said about the inherent dignity of the individual human being. Is that how you see it?

Mr Purnell—Certainly I believe that all those international instruments reflect that philosophy or approach. People all have a worth in their own right, yes.

Senator FERGUSON—I notice in your recommendation you talk about building upon the excellent work done by the Australian defence forces. Can you tell me what the Australian defence forces have done right that other law enforcement agencies and government agencies have not done or have not done as well? In what areas? You talk about the Defence Force. I know in their training there is a lot of work done. I am wondering if you know what they are doing right that you think the others could do better.

Mr Purnell—I will see whether I can find this document. The various manuals and so forth that they use in their training seem to me to be very thorough and complete. It is interesting that a lot of the law of armed conflict and so on has been developed quite extensively to include issues about human rights and equity and diversity in defence and so forth. There is international humanitarian law and targeting as an Australian approach. It seems to me that all those things are quite well developed. Obviously, our military forces take it very seriously to make sure that people understand all that. In fact, one of our own members has been involved in some of that because he is in the defence forces. He is a lawyer, so he has been working on some of that.

I suppose we feel that if it is good enough for the defence forces and so on to have that kind of detailed knowledge, and of course they need to because they are often in critical situations, why aren't people in some of the other government agencies like Centrelink and all these other agencies in the law enforcement area better able to take these human rights things on board? It is more that kind of feeling.

Senator FERGUSON—In discussions with the UK defence minister the other day, issues were raised about how successful they have been in their current situation in the southern areas of Iraq compared with what has been going on around Baghdad. He said that it was probably more experience on a day to day basis, particularly because of the conflicts they faced in Northern Ireland as a defence force, where they had to learn to cope with things differently. He thought there was a change of attitude brought about by the education their forces receive. I would have thought that maybe they have more day to day practical experience in dealing with human rights issues, particularly in their peacekeeping roles. But I would have thought our other law enforcement agencies in particular should have been receiving the same sort of education. I was surprised that you say how well the defence forces are doing but others engaged in law enforcement and other government activities are not doing as well.

Mr Purnell—I do not have all the detail of what the AFP does, for example, and I am sure they would claim they do this, but I think a lot of minority groups in Australia would claim that they are often on the receiving end of some very rough treatment and that this does not seem to reflect a very good awareness at that sort of level of people's human rights.

ACTING CHAIR—Thanks very much, Mr Purnell, for your submission and for your evidence this morning.

Resolved (on motion by **Mrs Moylan**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Subcommittee adjourned at 12.56 p.m.