

Introduction

“Human rights are useless unless you know them”

Goran Melander¹

- 1.1 As a contribution to achieving the goals of the Decade and to address the increasing recognition of the importance of good governance to development and the promotion and protection of human rights, and to promote human rights and good governance more broadly, the Human Rights Sub-Committee (the ‘Committee’) of the Joint Standing Committee on Foreign Affairs Defence and Trade launched the inquiry into human rights and good governance education in the Asia Pacific region on 2 October 2002.
- 1.2 Human rights only exist in a meaningful way if people believe in them and are committed to them.² They exist because people understand their value to the community and appreciate their importance to the rights, liberties and dignity of the individual. The protection of human rights, therefore, depends on them being accepted, observed and protected by each and every member of our society. This requires that people are educated and informed about human rights principles, the relevant international human rights instruments, and the impact of human rights on their daily lives.
- 1.3 In a broad sense, human rights education is seen a way to mitigate human rights violations. In addition, human rights education assists in setting the foundations for democratic and peaceful societies. As the Secretary General of the United Nations has said:

1 Goran Melander, Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, on the occasion of receiving a special mention and Human Rights medal for the 1998 UNESCO Prize for Human Rights Education.

2 Submission 44: Attorney-General’s Department, p.1

There is a growing consensus that education in and for human rights is essential and can contribute to both the reduction of human rights violations and the building of free, just and peaceful societies. Human rights education is also increasingly recognised as an effective strategy to prevent human rights abuses.³

- 1.4 The strong link between education and the promotion of human rights has been widely recognised and is inherent in a number of key international human rights instruments such as the Universal Declaration of Human Rights (article 26) and the Covenant on Economic, Social and Cultural Rights (article 13).⁴ These instruments place obligations on States to undertake human rights education, training and public information programmes.⁵ As a state party to the UN Decade for Human Rights Education, and the Universal Declaration of Human Rights and other major human rights instruments, Australia has accepted an obligation to provide human rights education.⁶
- 1.5 The importance of human rights education, training and public information to social and community stability, tolerance and peace was highlighted at the 1993 World Conference on Human Rights (the Vienna Conference). Among other issues, the Conference affirmed that States should develop programs and activities aimed at promoting and disseminating human rights education. Accordingly, the Conference urged the United Nations to proclaim a decade for human rights education to promote, encourage and focus those educational activities.
- 1.6 Following the Vienna Conference, on 23 December 1994 the United Nations formally proclaimed the United Nations Decade for Human Rights Education (1995-2004)⁷ and put forward an associated plan of action for the Decade.⁸

3 UN. *Guidelines for national plans of action for human rights education*, 20 October 1997, UN Document A/52/469/Add.1, para. 12.

4 Other international instruments with provisions promoting human rights education include the Covenant on the Rights of the Child (article 29), The Convention on the Elimination of All Forms of Discrimination Against Women (article 10), and The Convention on the Elimination of All Forms of Racial Discrimination (article 7).

5 UN. *UN Decade for Human Rights Education (1995-2004)*, 7 September 2000, UN Document A/55/360, p.4.

6 Submission by DFAT, *The Australian Government's International Human Rights Policy and Activities 1994-1995*, September 1996, pp. 20-1

7 UN resolution 49/184 of 23 December 1994.

8 UN. *Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms – Addendum*, 12 December 1996, UN Document A/51/506/Add.1.

- 1.7 Similarly, it is increasingly recognised that the way a society is governed has a direct correlation to the success of social, political and economic development, including the protection and promotion of human rights. As such, good governance may be seen in some ways as a precursor to or a catalyst for the enjoyment of the full range of human rights and sustainable development. Examples of the failure of governance, and consequent human rights abuse, can be seen around the world. In our immediate region the crisis in the Solomon Islands graphically highlights the disastrous consequences of a breakdown in governance.
- 1.8 Apart from any moral or international obligation to promote good governance and respect for human rights, failure in governance, culminating in State failure, can have serious and broad consequences for Australia. In the context of the Solomon Islands issue, the Australian Strategic Policy Institute (ASPI) argued that:
- A failing state on our doorstep engages Australia's interests at many levels, from short term economic, consular and humanitarian concerns to our most enduring strategic imperatives.⁹
- 1.9 The quality of governance, and by extension the extent to which human rights are observed, is a difficult and contentious issue in the region. A recent study released by the World Bank has attempted to 'measure' the quality of governance using six indicators.¹⁰ The data indicated that there has not been an appreciable improvement since 1996 in areas of governance such as voice and accountability, and political stability, and a decline in areas such as government effectiveness, rule of law and control of corruption, key governance issues that also impact on human rights. If anything, the data highlights the continuing, if not increasing, importance of governance and human rights education and the need for Australia to continue to engage actively on these issues.
- 1.10 Finally, the promotion of human rights and good governance through targeted education programs arguably plays a central role in the development process.¹¹ Many submissions received during the inquiry highlighted that respect for human rights and the establishment of appropriate frameworks to ensure good governance provide the basis for communities to grow, develop and flourish.

9 Australian Strategic Policy Institute, *Our Failing Neighbour: Australia and the Future of Solomon Islands*, Canberra, June 2003,

10 World Bank Institute: www.worldbank.org/governance

11 The Committee's 2001 report, *The Link Between Aid and Human Rights*, highlights the range of opinions regarding the link between human rights, aid and development.

Reasons for the inquiry

- 1.11 There is a number of reasons why Parliament should review Australia's efforts in promoting human rights and good governance education, including obligations under international instruments, the need to strengthen governance in the region, and the role of human rights and good governance education in the development process.
- 1.12 The Attorney General's submission states that the government is committed to encouraging a greater understanding of human rights which it believes will contribute to a more tolerant and just society in which people respect diversity and the dignity and worth of others¹². Australia has been an active supporter of efforts to promote human rights through the United Nations. Australia has sponsored and co-sponsored several resolutions in the General Assembly and the Commission on Human Rights relating to human rights and good governance education including resolutions on the *United Nations Decade for Human Rights Education; national institutions for the promotion and protection of human rights; and the role of good governance in the promotion of human rights*.¹³
- 1.13 In terms of human rights education, the Australian Government considers that "education is the basis on which a genuine and lasting respect of human rights is founded" and that education plays an important role in promoting and protecting human rights as it changes attitudes, fosters understanding and encourages tolerance.¹⁴
- 1.14 The Committee has touched on human rights education in previous inquiries. In its 1998 report into Australia's regional human rights dialogues, *Improving but...Australia's regional dialogue on human rights*, the Committee found that Australia's efforts in regard to human rights education were wanting in a number of areas. The Committee concluded that 'there was a lack of resources and coordinated efforts to bring information and awareness of the international human rights system and fundamental human rights into the lives of ordinary Australians'.¹⁵ The Committee's current inquiry has not revealed significant advances in human rights education coordination and awareness.

12 Submission 44, Attorney-General's Department, p.1

13 Submission 9, AusAID & DFAT, p.2.

14 Submission 44, Attorney-General's Department, p.1

15 Joint Standing Committee for Foreign Affairs, Defence and Trade, *Improving but...Australia's regional dialogue on human rights*, Canberra, 1998, pp.118-122.

- 1.15 The central focal point for human rights and good governance education at this time is the UN Decade for Human Rights Education, the importance of which has been highlighted by the Secretary General:
- The Decade remains the sole mechanism for global mobilization of strategies for human rights education; that potential must be more effectively utilized in the remaining years of the Decade, thus laying the foundations for sustainability beyond the decade.¹⁶
- 1.16 Despite the broad range of activities associated with human rights and good governance education described in this report, a ‘mid term review’ of the Decade conducted by the United Nations in 2000 found that much work remained to be done if the Decade’s objectives were to be met. The evidence received by the Committee similarly highlighted the good initiatives already in place but also raised a range of issues and possible courses of action to further promote and consolidate human rights and good governance education.
- 1.17 As arguably one of the world’s most successful democracies, Australia is in a very good position to make, and indeed does already make, a strong contribution to the promotion and protection of human rights and the development of good governance in the Asia Pacific region. While the moral and ethical imperative to ensure human rights and good governance is recognised and adhered to, it is also in Australia’s national interest to ensure that human rights and good governance continues to be actively and vigorously promoted in the region.
- 1.18 With only a short time remaining in the Decade for Human Rights Education, the Committee feels that this is an appropriate time to review and take stock of Australia’s contribution not only to the Decade, but in the broad promotion of human rights and good governance in the region. This will contribute to consideration of where to go at the conclusion of the Decade and contribute to the debate concerning governance in our region.

Objectives, Scope and Focus

- 1.19 In analysing the breadth of the issues associated with human rights and good governance, the Committee identified two key objectives.

16 *Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education*, UN Document A/55/360, 7 September 2000, para 178.

- 1.20 The first objective is educative. There are many organisations, international, government and non-government, engaged in a wide array of human rights and good governance projects, many of which fall outside the parameters of the Decade for Human Rights Education. Although falling outside the scope of the decade these activities contribute in various ways to the goals of the decade and should be recognised. This will also provide a stocktake of the myriad programs associated with human rights and good governance education, a task that, to the Committee's knowledge, has not been undertaken in Australia to date. This will hopefully provide a useful tool for human rights and good governance education practitioners and assist in better coordination and cooperation between levels of government and between organisations.
- 1.21 The second objective is focused on the stated objectives of the Decade. The United Nations has established clear objectives for the decade (as outlined in chapter 5). The Committee believes it would be appropriate to assess Australia's efforts against these objectives to examine the extent to which the goals of the Decade have been embraced and what more needs to be done in the remainder of the Decade and beyond.
- 1.22 The Committee also focused on what can be done to facilitate human rights and good governance education, rather than pursue the broader philosophical debate which is outside the scope of the inquiry.

Human Rights and Aid

- 1.23 A number of submissions received in the course of this inquiry raised the issue of a human rights based approach to development.¹⁷ The Sub-Committee has previously inquired into the issue of the link between human rights and aid. While recognising that this issue is an important one in the current debate on development assistance, rather than revisit the issue in this report the Sub-Committee defers to its conclusions in the previous inquiry, *The Link between Aid and Human Rights* (2001) at (www.aph.gov.au/house/committee/jfadt/HR_Aid/HRRptindex.htm)

Conduct of the inquiry

- 1.24 On 3 September 2002 the Minister for Foreign Affairs asked the Committee to inquire into Human Rights and Good Governance Education in the Asia Pacific Region. On 2 October 2002, the Committee

17 See submission 16, UNICEF Australia and submission 23, ACFOA

advertised terms of reference for the inquiry and invited submissions from interested individuals and organisations. In addition, relevant government agencies were requested to provide submissions addressing the terms of reference.

- 1.25 The terms of reference and other information was also advertised on the Committee website at:
<http://www.aph.gov.au/house/committee/jfadt/hrgoodgov/goodgovindx.htm>
- 1.26 45 submissions were received for the inquiry and they are listed at Appendix A. The Committee received 10 exhibits which are listed at Appendix B.
- 1.27 Evidence was taken at public hearings held in Canberra, Sydney and Perth during April, May and June 2003. A list of witnesses appearing at the hearings can be found at Appendix C.
- 1.28 Copies of the transcripts of evidence from the public hearings and the volume of submissions are available from the Committee secretariat. Copies of submissions are also available on the Committee's website. Copies of transcripts are available on the Hansard website at:
<http://www.aph.gov.au/hansard/index.htm>

Report structure

- 1.29 The structure of the report reflects the terms of reference.
- 1.30 Chapter Two analyses and defines the role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development.
- 1.31 Chapter Three outlines Australia's involvement in human rights and good governance education in the Asia Pacific region and identifies achievements and obstacles to progress.
- 1.32 Chapter Four describes the involvement of the United Nations and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific region.
- 1.33 Chapter Five assesses and evaluates progress made in Australia and the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education against the UN's stated objectives.

