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The Parliament of the Commonwealth of Australia

# **Human Rights and Good Governance Education in the Asia Pacific Region**

Joint Standing Committee on Foreign Affairs, Defence and Trade

June 2004  
Canberra

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## **Foreword**

From its early days, the Human Rights Sub-Committee, of the Joint Standing Committee on Foreign Affairs, Defence and Trade, has played a direct role in promoting human rights education.

Good human rights education is a key to ensuring that the concept of human rights underpins our legislative framework, our social policies and the way we think about others and ourselves.

The protection of human rights 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.

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. Examples of the failure of governance, and consequent human rights abuse, can be seen around the world.

Australia is involved in human rights and good governance education across a broad spectrum of activities. As one of the world's oldest democracies, and arguably as one of its most successful, Australia is in a strong position to make a contribution to the promotion and protection of human rights and the development of good governance in the Asia Pacific region through its efforts in human rights and good governance education.

The decade 1995-2004 was designated as the United Nations Decade for Human Rights Education. 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, the Committee decided 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 is the report of that inquiry.

Senator M A Payne  
Chair  
JSCFADT Human Rights Sub-Committee


# Membership of the Committee - 40<sup>th</sup> Parliament

Chair	Senator A B Ferguson	
Deputy Chair	Hon L J Brereton, MP	
Members	Senator A Bartlett (to 18/11/02)	Hon A R Bevis, MP
	Senator the Hon N Bolkus	Mr A M Byrne, MP
	Senator the Hon P Cook	Hon G J Edwards, MP
	Senator A Eggleston	Mr L D T Ferguson, MP
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	The Hon B Baird, MP	Hon W E Snowdon, MP
	Mr R C Baldwin, MP	Hon A M Somlyay, MP
	Hon K C Beazley, MP	Mr C P Thompson, MP

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Secretary to Human Rights Sub-Committee	Mr Adam Cunningham Ms Janet Holmes
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## **Membership of the Human Rights Sub-Committee – 40th Parliament**

**Chair**            Senator M A Payne

**Deputy Chair**   Senator the Hon N Bolkus

<b>Members</b>	Senator A B Ferguson ( <i>ex-officio</i> )	Mr L D T Ferguson, MP
	Senator B Harradine	Mr P J Lindsay, MP
	Senator S Hutchins	Hon J E Moylan, MP
	Senator N J Stott Despoja ( <i>from 18/11/02</i> )	Hon L R S Price, MP
	Hon B G Baird, MP	Hon A M Somlyay, MP
	Hon L J Brereton, MP ( <i>ex-officio</i> )	Mr C P Thompson, MP





## **Terms of reference**

The decade 1995-2004 has been designated as the United Nations Decade for Human Rights Education. As a contribution to achieving the goals of the decade, the Joint Standing Committee on Foreign Affairs, Defence and Trade will examine and report on human rights and good governance education in the Asia Pacific region.

The Committee will examine:

- 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.

Referred by the Minister for Foreign Affairs, 3 September 2002







## List of abbreviations

ACFOA	Australian Council for Overseas Aid
ADB	Asian Development Bank
AI	Amnesty International Australia
ALRI	Australian Legal Resources International
ANCP	Australian NGO Cooperation Program
APF	Asia-Pacific Forum of National Human Rights Institutions
ASEAN	Association of South-East Asian Nations
AusAID	Australian Agency for International Development
CDI	Centre for Democratic Institutions
DFAT	(Australian) Department of Foreign Affairs and Trade
GOLD	Governance for Livelihoods and Development programme
HIV/AIDS	Human Immuno-Deficiency Virus/Acquired Immune Deficiency Syndrome
HREA	Human Rights Education Associates
HREOC	(Australian) Human Rights and Equal Opportunity Commission
HRTC	China-Australia Human Rights Technical Cooperation
Hurist	Human Rights Strengthening project
ICCPR	International Covenant on Civil and Political Rights (1966)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)

Komnas HAM	Indonesian Human Rights Commission
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NGO	Non-government organisation
NHRI	National Human Rights Institutions
Oxfam	Oxfam Community Aid Abroad Australia
PNG	Papua New Guinea
RA	Radio Australia
SCA	Save the Children Australia
TI	Transparency International
UDHR	Universal Declaration of Human Rights (1948)
UN	United Nations
UNAA	United Nations Association of Australia
UNDP	United Nations Development Program
UNHCHR	United Nations Office of the High Commissioner for Human Rights
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOPS	United Nations Office for Project Services
UNV	United Nations Volunteers
VCA	Vietnamese Community in Australia



## List of recommendations

### Recommendation 1

That the National Committee for Human Rights Education undertake a baseline survey of human rights attitudes and understanding in Australia, as indicated in its mission statement and in the guidelines for the Decade for Human Rights Education

### Recommendation 2

The Committee recommends that human rights education be incorporated into all levels of civics and citizenship education initiatives

### Recommendation 3

The Committee recommends that the Minister for Education, in collaboration with state and territory Ministers on the Ministerial Council on Education, Employment, Training and Youth Affairs, develop a coherent and consistent approach to human rights education, and to providing human rights education with a formal role in the education system.

### Recommendation 4

The Committee recommends that the Department of Defence ensure that pre-deployment training includes a specific human rights education programme, focusing on international human rights law.

### Recommendation 5

That human rights education be provided to all Commonwealth public sector employees, particularly those whose work is affected by International Human Rights agreements.

### Recommendation 6

The Committee recommends that the NCHRE convene a forum specifically focusing on human rights education in the workplace.

**Recommendation 7**

That Committee recommends that funding be provided to the NCHRE to work with professional bodies and tertiary schools of communication to:

- develop and implement a specific human rights awareness programme for the media; and
- incorporate human rights into the core curriculum of journalism and media courses taught at tertiary schools of communication.

**Recommendation 8**

That AusAID, in its provision of aid both directly and through contractors, provides an increased focus on institutional strengthening and capacity building of regional human rights education organisations, particularly in regard to basic infrastructure.

**Recommendation 9**

That AusAID quantify the current level of human rights and good governance education training for government officials and NGO representatives, and increase efforts to provide training in this area.

**Recommendation 10**

That AusAID ensures that access to culturally and socially relevant basic education is integrated and prioritised throughout its governance programme.

**Recommendation 11**

That AusAID actively promote the inclusion of human rights and good governance education in the work done by NGOs, and that AusAID review the criteria by which NGOs access funding available specifically for human rights and good governance education.

**Recommendation 12**

That non-government organisations directly engaged in human rights and good governance education be considered as deductible gift recipients (DGRs) so that they can receive income tax deductible gifts.

**Recommendation 13**

The Committee recommends that the services of Radio Australia be more extensively utilised by the Government to support human rights and good governance education efforts in the region.

**Recommendation 14**

That AusAID review its definition of 'good governance' to include a reference to the role of the media.

**Recommendation 15**

That Committee recommends that the Pacific Media Initiative be expanded to include media professionals from countries in East Asia, including East Timor.

**Recommendation 16**

That human rights and governance education be clearly identified as a key component and outcome in the strategies and objectives of AusAID's governance programmes and projects.

**Recommendation 17**

The Committee recommends that AusAID enter into a three-year funding commitment with the APF, to enable the APF secretariat to undertake effectively its future development, management and planning needs.

**Recommendation 18**

In line with the National Action Plan, the Committee recommends that Australia continues efforts to promote and assist in the establishment of national human rights institutions in the region as the most effective way to meet the objective of a regional human rights instrument and associated mechanisms.

**Recommendation 19**

The Committee recommends that, through the Asia Pacific Forum of National Human Rights Institutions, Australia works towards developing consensus on definitions of human rights and good governance with the aim of promoting the development of a regional human rights education agreement.

**Recommendation 20**

That the Government consider providing the National Committee for Human Rights Education with base funding, adequate to establish a modest full-time secretariat and fulfil the 1998 work-plan, on the basis of production of appropriate budgetary and appointment guidelines.

**Recommendation 21**

That the development of a discrete National Plan of Action for Human Rights Education be a priority for government, HREOC and NCHRE and that adequate funding be made available for this task.

**Recommendation 22**

That a National Policy Consultation, involving Federal and State government and civil society, be convened by HREOC and supported by the Attorney General's department. The consultation should be centred the issue of education, and aim for agreement on goals, strategies and responsibilities to advance human rights education in Australia and the region.

**Recommendation 23**

That the Australian government call for the United Nations to conduct a rigorous evaluation of the effectiveness of achievements of the United Nations Decade for Human Rights Education (1995-2004) at the earliest possibility. This evaluation should be conducted prior to further discussion on an additional Decade

## Introduction

“Human rights are useless unless you know them”

Goran Melander<sup>1</sup>

- 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.<sup>2</sup> 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:

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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.<sup>3</sup>

- 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).<sup>4</sup> These instruments place obligations on States to undertake human rights education, training and public information programmes.<sup>5</sup> 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.<sup>6</sup>
- 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)<sup>7</sup> and put forward an associated plan of action for the Decade.<sup>8</sup>

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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.<sup>9</sup>
- 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.<sup>10</sup> 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.<sup>11</sup> 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.

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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](http://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 others<sup>12</sup>. 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*.<sup>13</sup>
- 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.<sup>14</sup>
- 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'.<sup>15</sup> The Committee's current inquiry has not revealed significant advances in human rights education coordination and awareness.

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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.<sup>16</sup>
- 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.

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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.<sup>17</sup> 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](http://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

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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.



## The role of human rights and good governance education

2.1 The Universal Declaration of Human Rights states that:

every individual and every organ of society ... shall strive by teaching and education to promote respect for ... rights and freedoms and ... to secure their universal and effective recognition and observance.<sup>1</sup>

2.2 Education in human rights has been a relatively constant theme in the human rights milieu. This view was expressed quite clearly at the World Conference on Human Rights, held in June 1993, which held that human rights education, training and public information were “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace”.<sup>2</sup>

2.3 Similarly, the issue of governance is increasingly seen as central to the development process and the promotion and protection of human rights. The importance and desirability of good governance and the relationship to respect for human rights was recognised and highlighted in the Government’s 2003 foreign and trade policy white paper, *Advancing the National Interest*:

Good governance...is a basic condition for stability and prosperity in all countries. Open, accountable and transparent institutions

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1 UN *Universal Declaration of Human Rights*, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, Preamble.

2 UN *Vienna Declaration and Programme of Action*. A/CONF.157/23, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993, para 78.

and sustainable polices help deliver security, respect for human rights and economic development.<sup>3</sup>

- 2.4 However, the National Committee on Human Rights argue that the methodology for the promotion and protection of human rights was not greatly emphasised at national and international level in most countries until recently. According to the NCHRE, it is only due to the 'catalytic effects' of the United Nations Decade of Human Rights Education that there are now human rights education programmes in a number of countries including those of the Asia-Pacific.<sup>4</sup> It could also be said that the regional spot light has only been turned onto governance since the Asian financial crisis of the late 1990's, with increasing emphasis recently due to security concerns and the broad effort to combat terrorism.

## Definitions

### Human rights education

- 2.5 There is no generally agreed definition of human rights education, although many endeavours have been made to arrive at a suitable definition.
- 2.6 In defining human rights education for the purposes of the Decade for Human Rights Education, the United Nations drew upon the provisions of several human rights instruments that address human rights education, as referred to in Chapter 1. For the purposes of the Decade, the United Nations defined human rights education as:

Training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes directed to:

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

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3 DFAT, *Advancing the National Interest*, Canberra, 2003, p.114.

4 Submission 22, National Committee on Human Rights Education Inc, p.23.



- The enabling of all persons to participate effectively in a free society
  - The furtherance of the activities of the United Nations for the maintenance of peace.<sup>5</sup>
- 2.7 The UN General Assembly affirmed that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels in development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.<sup>6</sup>
- 2.8 Human Rights Education Associates defines human rights education more concisely as education and training to promote understanding, attitudes and actions to protect human rights, and to foster the development of peaceable, free and just communities.<sup>7</sup>
- 2.9 Despite attempts to clearly define human rights education, it remains a complex issue with much remaining unknown as to the links, if any, between education modes, substantive content and positive human rights outcomes<sup>8</sup>.

## Good governance education

- 2.10 Unlike human rights education, to the Committee's knowledge there is no definition of what constitutes good governance *education*, as distinct from governance and 'good' governance.
- 2.11 Governance and good governance have attracted many definitions and it remains a contested concept.<sup>9</sup> The UNDP broadly defines the word governance as;

the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the

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5 *United Nations Decade for Human Rights Education (1995-2004) and public information activities in the field of human rights – Addendum*. Guidelines for national plans of action for human rights education, 20 October 1997, UN Document A/52/469/Add.1, p.5.

6 United Nations General Assembly. 1994. *Resolution 49/184* (as discussed in the 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 (1995-2004) UN Document A/55/360, September 2000).

7 *About HREA*: <http://www.hrea.org/abouthrea.html>

8 Submission 40, Castan Centre for Human Rights Law, p.1.

9 See, for example, Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol. 21 (5). Weiss highlights eight different definitions.

mechanisms, processes, and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.<sup>10</sup>

2.12 The AusAID definition of governance is in line with that of the UNDP:

‘Governance’ is the exercise of power or authority – political, economic, administrative or otherwise – to manage a country’s resources and affairs. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.<sup>11</sup>

2.13 As may be noted from the preceding definitions, the term ‘governance’ is relatively value free and various forms of political structure, from democratic polities to authoritarian states, may exhibit the criteria of what is broadly defined as ‘governance’.

2.14 There have been attempts to apply values to governance and arrive at a definition as to what constitutes ‘good’ governance. Attempts at defining ‘good’ governance seek to clarify what makes governance effective in promoting such things as wellbeing, equity and participation. The UNDP’s GOLD programme states that among other things, ‘good’ governance is participatory, transparent and accountable. It is also effective and equitable and it promotes the rule of law. According to the UNDP, ‘good governance’ therefore ensures that political, social and economic priorities are based on broad consensus in society and the voices of the poorest and the most vulnerable are heard in decision-making.<sup>12</sup>

2.15 AusAID defines ‘good governance’ as the competent management of a country’s resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people’s needs.<sup>13</sup> The promotion of broad-based economic growth and a dynamic private sector, through trade and investment liberalisation and careful management of the national economy, are key elements of good governance.<sup>14</sup>

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10 UNDP, *Governance for Sustainable Human Development*, a UNDP Policy Document, January 1997, Chapter 1.

11 AusAID. 2000. *Good Governance: Guiding Principles for Implementation*. Canberra, Commonwealth of Australia, p.3.

12 UNDP. *GOLD Project Document* (<http://www.undp.org.fj/gold/docs/GOLDFINA.PDF>)

13 AusAID. 2000. *Good Governance: Guiding Principles for Implementation*. Canberra, Commonwealth of Australia.

14 Submission 9, AusAID and DFAT, p.6.

2.16 The United Nations High Commission for Human Rights takes the definition even further by expressly linking it to the realisation of human rights:

Governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of “good” governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights.<sup>15</sup>

2.17 The difficulty of attempting to define clearly what constitutes ‘good’ governance was highlighted during the inquiry. As already noted, the term ‘governance’ lacks clear or universal definition or standards, making effectiveness hard to measure.<sup>16</sup> The Committee also observes that it was not presented with, nor could find, a definition of good governance *education*.

2.18 In one respect, it can be argued that definitions reflect a particular cultural bias; specifically a ‘western’ understanding of what constitutes ‘good’ governance. In this light Dr Tom Davis of the Castan Centre asserts that Australian aid policy is “made and implemented in a way that stymies the development of practical knowledge necessary for the effective reform of governance in non-Western states” and that Australian policy-makers cling to the assumption that the World Bank interpretation of good governance has universal applicability in spite of evidence to the contrary.<sup>17</sup> As indicated at the regional workshop on governance, hosted by the Asia-Australia Institute and the Cambodian Institute for Cooperation and Peace, “The word ‘governance’ has been used with different meanings in different parts of Asia during different times. Different meanings occur both in documents such as constitutions and in actual practice”.<sup>18</sup>

2.19 The Human Rights Council of Australia advised that, for some time, they have questioned the increasingly universal use of the term ‘good governance’ on the grounds that there is little if any agreement on the

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15 ‘*What is Good Governance*’, UNHCHR ([www.unhchr.ch/development/governance-01.html](http://www.unhchr.ch/development/governance-01.html)) Copyright 1996-2002, Office of the United Nations High Commissioner for Human Rights - Geneva, Switzerland.

16 Submission 35, Diplomacy Training Program, p.2.

17 Submission 40, Castan Centre for Human Rights Law, p. 13.

18 Fernando, B, ‘An Asian Framework for Governance’, *The Challenge of Governance for our Region: Governance, Capacity-Building and Cultures of Sovereignty*, The Asia-Australia Institute, Sydney, 2002, p.13

definition of the term. It considers that it is difficult to measure progress in good governance education unless the latter is defined in context and more specifically.<sup>19</sup>

- 2.20 It is clear that it would be “useful to encourage clarity on the definition of ‘good governance’, particularly amongst nations of the Asia Pacific and amongst different types of organisations involved in human rights education, human rights implementation and related areas”.<sup>20</sup> An agreed definition would be useful in terms of developing good governance education programmes.

## **The link between human rights and good governance**

- 2.21 The diversity of definitions of human rights and good governance education show that it is not clear in the public discourse whether human rights and good governance exist separately, are inherent in each other or whether there is a hierarchy between the two. Based on the definitions provided by the UN, AusAID and the UNDP, it may be argued that the full enjoyment of human rights relies on good governance and that, therefore, the focus should be on promoting good governance in the assumption that respect for and enjoyment of human rights will follow more readily.
- 2.22 This view is reflected in the ALHR submission, which contends that an understanding and practical implementation of good governance is an essential precursor to the realisation of human rights and the achievement of development. On the whole, ALHR argue that without good governance, human rights are at risk of remaining a theoretical and idealistic concept, never to be realised at a practical level.<sup>21</sup>
- 2.23 Similarly, Professor Jim Ife, the Haruhisa Handa Professor of Human Rights Education at Curtin University, is of the view that within the context of human rights education, good governance is critical and is one of the preconditions for the realisation of human rights.<sup>22</sup>
- 2.24 Similarly, AusAID states that:

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19 Submission 32, HR Council of Australia, p.5.

20 Submission 26, Australian Lawyers for Human Rights, p.4.

21 Submission 26, Australian Lawyers for Human Rights, p.4.

22 Transcript, 3 April, FADT 5

Poor governance not only results in a weak capacity to develop policy or inability to effectively deliver basic services, but, in extreme cases, it can result in human rights violations, political repression, high levels of corruption and violent conflict.<sup>23</sup>

- 2.25 This is given practical expression by AusAID in their 2002-03 Annual Report which states that “the aid program promoted human rights primarily through support for effective governance”.<sup>24</sup>
- 2.26 In terms of human rights and good governance education, human rights and good governance are understood by some organisations to be complementary rather than being distinct. The United Nations Association of Australia considers that it is appropriate that human rights and good governance should be linked as essential companions in education that helps build stronger civil society.<sup>25</sup>
- 2.27 An alternative view is that human rights should be the reference point or foundation for good governance. The Human Rights Council states that good governance needs to be defined in human rights terms and that good governance benchmarks should be established using clear human rights outcomes as their terms of reference.<sup>26</sup>
- 2.28 However, the National Committee on Human Rights Education, while agreeing with the Human Rights Council’s view, goes further and places human rights education in a prominent position. The NCHRE agrees that human rights understandings must be at the core of good governance. However, human rights education is something that should also be pursued in its own right.<sup>27</sup>
- 2.29 What the above debate does not address is the relationship between human rights education and good governance education. In the submissions to the inquiry, the two terms are conflated. In this regard, the Committee believes that it is important for practitioners to explore the relationship between education in human rights and education in good governance.

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23 AusAID Annual Report 2002-03, p.17

24 AusAID Annual Report 2002-03, p.74

25 Submission 11. United Nations Association of Australia, Inc, p.1.

26 Submission 32. HR Council of Australia, p.5.

27 Submission 22. National Committee on Human Rights Education Inc, p.13.

## Human rights and good governance education in sustainable development

- 2.30 A number of submissions highlighted the close relationship between human rights and good governance education and sustainable development.
- 2.31 The interrelationship between governance, human rights and development is highlighted in the Department of Foreign Affairs and Trade *Human Rights Manual*. The manual states that effective governance, human rights and sustainable development are closely linked. Economic and social well-being influence a country's capacity for effective governance, which is in turn critical to realising human rights, not least because it facilitates sustainable improvements in economic and social well-being. This view was generally supported in the evidence to the inquiry.<sup>28</sup>
- 2.32 The Castan Centre, while cautioning that the role of human rights and good governance education in encouraging fair and sustainable social, political and economic development cannot easily be quantified, describes a growing body of evidence which suggests human rights and good governance education programmes:
- improve human rights and good governance awareness among local decision-makers;
  - ensure the presence of trained officials who are able to capitalise on political change when it occurs, which improves the chances of human rights and good governance structures being established and maintained once sufficient political space exists for them to be built; and
  - not only instruct participants in the content of international human rights regimes and good governance best practice, but that they also assist in translating those ideas into locally relevant conceptual frameworks and practice.<sup>29</sup>
- 2.33 The United Nations Association of Australia contends that sustainable development requires an underpinning of basic understandings of human rights and good governance. They claim the Millennium Development

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28 DFAT. 1998. *Human Rights Manual*. Canberra, Commonwealth of Australia. See Submission 4, New South Wales Attorney General; Submission 16, UNICEF Australia; and Submission 17, Australian Legal Resources International

29 Submission 12: Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, pp.1-2.

Goals (adopted by many countries including Australia at the Millennium Summit in 2000) cannot be achieved without a framework of basic education in the principles of human rights and good governance.<sup>30</sup>

- 2.34 HREOC states that 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 as 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.<sup>31</sup>

## Australian policy

- 2.35 Australia's international and domestic policies in regard to human rights and good governance education have been articulated over a number of years.
- 2.36 At the 1993 Vienna World Conference on Human Rights, Australia proposed that all countries prepare a National Action Plan for Human Rights. The suggestion was adopted and is contained in the Vienna Declaration and Program of Action. In 1994 Australia became the first country to complete a National Action Plan and submit it to the Commission on Human Rights.<sup>32</sup>
- 2.37 The importance of domestic education and broad community participation, and the central role of government in promoting and protecting human rights was highlighted in the Committee's 1994 report *A Review of Australia's Efforts to Promote and Protect Human Rights*:
- ...commitment to human rights is generated nationally; that it is a national responsibility and that the international community involves itself only when a state fails to meet its responsibilities. It is in Australia's interest to involve the Australian community as thoroughly as possible in the process of promoting and protecting and monitoring human rights.<sup>33</sup>

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30 Submission 11, UNAA, Inc, p.2.

31 Submission 21, HREOC, p.15.

32 DFAT: [http://www.dfat.gov.au/hr/nap/natact\\_plan.html](http://www.dfat.gov.au/hr/nap/natact_plan.html) (page modified: Tuesday, 04 February 2003 03:38:33 PM). This plan was updated in 1995 and 1996-97.

33 Joint Committee on Foreign Affairs, Defence and Trade, *A Review of Australia's Efforts to Promote and Protect Human Rights*, AGPS, Canberra, 1992, p.9

2.38 In respect to Australia's human rights policy, the current National Action Plan states that:

The universal enjoyment of human rights remains a matter of fundamental importance for Australia. As such, Australia accords a high priority to the promotion and protection of human rights, both internationally and domestically.<sup>34</sup>

2.39 In terms of the specific issue of human rights education, the current National Action Plan contains two key sections. Section (i) defines a programme of human rights information and education, including in school curricula and the workplace for Australia. Section (j) sets out a programme of education and training for Australian personnel directly responsible for the protection of human rights (see appendix D).

2.40 While human rights education is alluded to in the National Action Plan, good governance education is not explicitly stated as a goal. Governance related education is implied in the statement that one of the national goals for schooling is to:

...develop knowledge, skills, attitudes and values which will enable students to participate as active and informed citizens in our democratic Australian society within an international context.<sup>35</sup>

2.41 In 1998, as part of a series of initiatives commemorating the 50th anniversary of the Universal Declaration of Human Rights, the Foreign Affairs Minister, Mr Downer and the Attorney-General, Mr Williams, announced that the Government had decided to revise Australia's National Action Plan<sup>36</sup>. DFAT and HREOC informed the Committee that a draft of the revised national action plan is currently being finalised and will be presented to the Minister for Foreign Affairs and the Attorney General for consideration when finalised. The draft will then be sent to State and Territory Governments for comment.<sup>37</sup>

2.42 In a broader regional and international context, the centrality of human rights and good governance to Australia's foreign policy was reiterated by DFAT/AusAID in their submission to the inquiry:

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34 DFAT. 1994. National Action Plan for Human Rights, Australia: [http://www.dfat.gov.au/hr/nap/national\\_action\\_plan.pdf](http://www.dfat.gov.au/hr/nap/national_action_plan.pdf)

35 DFAT. 1994. National Action Plan for Human Rights, Australia: [http://www.dfat.gov.au/hr/nap/national\\_action\\_plan.pdf](http://www.dfat.gov.au/hr/nap/national_action_plan.pdf)

36 DFAT: [http://www.dfat.gov.au/hr/nap/natact\\_plan.html](http://www.dfat.gov.au/hr/nap/natact_plan.html) (page modified: Tuesday, 04 February 2003 03:38:33 PM)

37 Submission 37, HREOC, p.1, and Submission 39, DFAT, p.2.



Human rights are an inseparable part of Australia's foreign policy. The treatment of human beings is a matter of concern to Australians and promoting and protecting human rights underpins Australia's broader security and economic interests.

Good governance is necessary for sustainable growth, political stability and respect for human rights. Human rights are best protected in an environment where democracy is combined with a strong rule of law, an independent judiciary, an efficient and accountable public sector, and sound economic policies.<sup>38</sup>

2.43 While human rights and good governance are often discussed separately, in practice, they are intertwined. Moreover, human rights are often considered a subset or outcome of governance, as implied in the above quote. The Minister for Foreign Affairs' seminal statement on Australia's aid programme, *Better Aid for a Better Future* (1997), made governance a specific focus of the aid programme for the first time, with respect for and promotion of civil and political rights considered to be vital elements of governance and sustainable development.<sup>39</sup> The 2002 Ministerial Statement *Australian Aid: Investing in Growth, Stability and Prosperity* further reinforced the importance, and the interrelationship, of governance and support for human rights in Australia's aid programme.<sup>40</sup>

2.44 The focus of Australia's human rights assistance was described by AusAID as being 'very practically based', which is a distinguishing feature of Australia's human rights assistance:

...the focus of Australia's human rights assistance is very practically based. And our focus on building human rights institutions around the region is laying the platform for long-term gains in human rights development and linking that with assistance for grassroots human rights activities is a very practical focus that distinguishes our approach to human rights.<sup>41</sup>

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38 Submission 9, DFAT & AusAID, p.1. See also *Advancing the National Interest*, Department of Foreign Affairs and Trade, 2003, pp. 114-116.

39 The Hon. Alexander Downer, MP, Minister for Foreign Affairs, *Better Aid for a Better Future*, Seventh Annual Report to Parliament on Australia's Development Cooperation Program, AusAID, 1997, pp. 5-6.

40 The Hon. Alexander Downer MP, Minister for Foreign Affairs, *Australian Aid: Investing in Growth, Stability and Prosperity*, Eleventh Statement to Parliament on Australia's Aid Cooperation Program, AusAID, September 2002.

41 Transcript 12 May, AusAID, FADT 41.

## Attitudes and understanding of Human Rights and Good Governance in Australia

- 2.45 Australia has been engaged in human rights and governance related education for some time, both domestically and internationally. As stated above, in the domestic sphere the 1994 *National Action Plan* outlined a range of school and workplace education activities aimed at promoting human rights and civic awareness in Australia. Given this history, the Committee was interested in exploring the extent to which the principles and practices of human rights and governance are understood in Australia. The Committee considers that the level of understanding provides a useful gauge of the effectiveness of education efforts.
- 2.46 The *Citizenship and Democracy: Australian Students' Knowledge and Beliefs* study undertaken in 1999 (published in 2002) provides some insight into the extent to which governance (or 'civics') is understood among Australian school children. While the study found that students appreciated living in a democracy and recognised the importance of being a 'good citizen', data indicated that actual knowledge of governance related aspects of democracy was deficient. The study found that only about half the students surveyed had a grasp of the 'essential pre-conditions for a properly working democracy' and were not strong on what constituted their civil rights. In comparative terms, Australia ranked at about the international average.<sup>42</sup>
- 2.47 In a report on the Australian Government's International Human Rights Policy and Activities for 1994-5, released in 1996, the Department of Foreign Affairs and Trade stated that:

The situation in Australia can be characterised as one where there is generally a high level of awareness about human rights, but a low level of understanding of the concepts underpinning the international human rights framework, the content of international human rights instruments and the treaty body system which monitors the implementation of these instruments.<sup>43</sup>

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42 *Citizenship and Democracy: Australian Students' Knowledge and Beliefs*, Department of Education Training and Youth Affairs, 2002. The Civic Education Study was undertaken in two stages by the International Association for the Evaluation of Educational Achievement. Phase 1 examined the context and meanings of civics education in 24 countries. Phase 2 surveyed around 90 000 14 school students in 28 countries. The Australian report draws on the Australian data collected during the study.

43 Submission by the Department of Foreign Affairs and Trade, *The Australian Government's International Human Rights Policy and Activities 1994-1995*, September 1996, p. 21, cited in Submission 22, NCHRE.

- 2.48 The issue of how human rights are understood by students and the community was a question the Committee posed to a number of organisations in the course of the inquiry. Representatives from the Human Rights and Equal Opportunities Commission (HREOC) painted a positive picture in regard to the level of understanding amongst school students. While acceding that children may not understand the 'broad intellectual concept that we encompass with the term human rights', HREOC suggested that students have 'very strong views on issues that really affect them and that they can identify with, and they are quite able to express them'.<sup>44</sup>
- 2.49 HREOC's experience in delivering human rights education indicates that students are conversant with practical issues such as discrimination and harassment and are able to identify and articulate how these issues may impact on them. However, these issues are not necessarily linked by students to the concept of human rights, which are generally seen as a universal declaration rather than being identified with practical, everyday issues.<sup>45</sup>
- 2.50 In summary, HREOC suggested that, given the media response to a range of issues such as paid maternity leave and children in detention, Australia:
- ...has a very lively and healthy debate, not under the banner of human rights but under the banner of a whole range of issues that, to us, encompass human rights. I think this is very healthy.<sup>46</sup>
- 2.51 Professor Jim Ife, the Harusa Handa Professor of Human Rights Education at Curtin University suggested that there is 'a lot of interest in human rights in the population'. Citing the experience of a postgraduate student's research into aged care facilities, he suggested that people are interested in 'having discussions about what their rights are, how they see them, whether or not they see them as being violated' and that 'there is a public willingness to engage in debate' at the practical level.<sup>47</sup>
- 2.52 Despite evidence suggesting an awareness of rights issues and a high level of community debate in Australia, some submissions and witnesses to the inquiry highlighted their claims of a lack of human rights and good governance awareness and understanding in the community.
- 2.53 Chief Justice David Malcolm of the National Committee on Human Rights suggested that a lack of understanding about human rights has led to a

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44 Transcript 16 May, FADT 90.

45 Transcript 16 May, FADT 91-92.

46 Transcript 16 May, FADT 99.

47 Transcript 3 April, FADT 7.

certain level of cynicism in Australia regarding accession to certain human rights instruments. He argued that such cynicism is a 'symptom of the need for expanded work and a greater investment in human rights education in Australia'.<sup>48</sup>

- 2.54 Similarly, Australian Lawyers for Human Rights (ALHR) suggest that "anecdote and impression amongst players in the field indicate the level of knowledge of human rights and governance issues in Australia is low". In addition, ALHR argues that an overview of education materials reflects a low level of resources committed to human rights education.<sup>49</sup> This observation is given some credence in the results of the *Citizenship and Democracy: Australian Students' Knowledge and Beliefs* study mentioned previously.
- 2.55 A number of delegates at the 2002 *National Conference on Human Rights Education* made interesting observations regarding the level of human rights awareness in Australia. The Shadow Attorney General, Mr Robert McClelland MP, argued that while all sides of politics were committed to human rights, the words 'human rights' were becoming unpopular words in political debate and were being seen as the province of special interest and fringe group advocacy.<sup>50</sup> The Victorian Equal Opportunity Commissioner, Dr Dianne Sisely, is reported to have suggested that only a small proportion of Australians know about their human rights. Professor Hilary Charlesworth noted that a common response to the idea of a Bill of Rights was the perception that Australia does not experience significant human rights problems. It was also noted during the 2002 conference that a high level of 'illiteracy' existed in regard to human rights education in the work place.<sup>51</sup>
- 2.56 It is clear from the evidence that while particular issues, such as racial or gender discrimination, may be understood as a 'right' in a practical sense, a relationship between the practical understanding of ones 'rights' and what is understood broadly as 'human rights' (as articulated in the core international covenants) appears to be tenuous.
- 2.57 Although a survey has not been carried out, the Committee is aware of a number of studies that may provide some clarity and direction in this regard.

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48 Transcript 3 April, FADT 28.

49 Submission 36, Australian Lawyers for Human Rights, p.2.

50 Submission 22, NCHRE, p.29.

51 Submission 22, NCHRE, pp.29-30.

- 2.58 The *Values Education Study*, conducted by the Curriculum Corporation for the Department of Education Science and Training, includes the results from case studies of approximately 70 Australian schools and from research on what values are taught in schools, how those values were developed and how that compares with the way values are embedded in school education in other countries. The study also focuses on learning about civic values. The final report develops a set of principles and a framework for improved values education in Australian schools.<sup>52</sup> While useful in identifying some values associated with personal behaviour, and more widely, good citizenship, the report does not tackle directly the issue of how or the extent that human rights and governance values are understood.
- 2.59 The Committee is also aware of the *Australian Human Rights Project*, an initiative of Australia Lawyers for Human Rights and the Human Rights Centre at the University of NSW. In broad terms, the project is researching effective and viable models for a national approach to human rights advocacy and education.<sup>53</sup>
- 2.60 The question remains, however, as to why some ‘rights’ may be understood, while others are not. Jan Payne of HREOC highlighted some of the difficulties faced in the field of human rights education:
- You can talk about human rights until you are blue in the face and kids might think ‘That just means overseas; it means terrible things,’ but they do not really identify it with practical, everyday sorts of issues....I think the difficulty that human rights as a subject in the curriculum has always had is that there is such a broad definition, because it means different things to different people all the time.<sup>54</sup>
- 2.61 Dr Sev Ozdowski argues that unlike ‘equality rights’ (such as race or gender discrimination) which have legislative and legal backing and authority, civil and political rights lack a ‘hook’ upon which to hang education efforts and initiatives and make such rights relevant to people’s everyday experience. While legal recourse is available in the case of race or gender discrimination, no such recourse is available in respect of civil and political rights such as freedom of association, speech or religion. The

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52 Submission 31, DEST, p.3. A copy of the final report may be found on the DEST website at [www.dest.gov.au/schools/publications/2003/index.htm](http://www.dest.gov.au/schools/publications/2003/index.htm) (page updated on Friday, 16 April 2004)

53 Further information may be found at: The Australian Human Rights Project <http://www.ahrcentre.org/ahrproject.htm>

54 Transcript, 16 May 2003, FADT 91.

lack of legal standing distances such rights from people's everyday experience. This legal recourse has an educative effect because of the practical nature of such 'equality rights' and their links to everyday experience.<sup>55</sup>

- 2.62 The recent report by the ACT Legislative Assembly, *Towards an ACT Human Rights Act: Report of the ACT Bill of Rights Consultative Committee*, went some way to addressing such issues. The report recommends bringing both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights under a Bill of Rights. The report argues that a primary purpose of a bill of rights would be to 'encourage the development of a human rights conscious culture in ACT public life and in the community'.<sup>56</sup>
- 2.63 Given the complex nature of the issue of a bill of rights, an in-depth discussion on a bill of rights is outside the scope of this inquiry. Nevertheless, the above example highlights one possible way to provide a necessary 'hook' that may enable a broader understanding of human rights.

#### *Public education campaign*

- 2.64 Early in the Decade for Human Rights Education, the UN stipulated that the 'general public shall be the subject of far reaching human rights information efforts designed to inform them of their rights and responsibilities under the international human rights instruments'.<sup>57</sup>
- 2.65 Similarly, a recommendation arising from the *2002 National Strategic Conference on Human Rights Education* was for a planned and funded public awareness campaign to influence attitudes to human rights. The proposal received a mixed response in the course of the inquiry.<sup>58</sup>
- 2.66 The Castan Centre suggested that a coordinated public awareness campaign would be of use if a specific human rights issue emerged on which there was general agreement in the policy community, but which represented a significant gap in the public's education that needed to be addressed. While few issues of this kind present themselves, Castan

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55 Ozdowski, Sev. 2002. *Human Rights – A Challenge for Australia*. Address by the Australian Human Rights Commissioner to the National Press Club 6 February 2002.

56 *Towards an ACT Human Rights Act: Report of the ACT Bill of Rights Consultative Committee*, ACT Bill of Rights Consultative Committee, Canberra, 2003, p.2.

57 *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, para.21

58 Submission 22, NCHRE, p.4.

Centre suggested that rights in the workplace may be an issue worthy of examination.<sup>59</sup>

2.67 HREOC indicated support for a public awareness campaign but advised that a number of important factors needed to be considered including:

- cost of such a campaign compared to other ways of raising public awareness;
- the need to evaluate the current level of awareness;
- consensus on the message to be conveyed; and
- the target groups of such a campaign.

2.68 HREOC highlighted that public awareness campaigns such as those targeting drink driving or seat belts gave a clear message of the consequences if drink driving and seat belt laws were broken and could therefore be evaluated as to their effectiveness. HREOC cautioned that a general campaign that talked about the universality of human rights, rather than a targeted campaign (which focused on the elimination of certain sorts of prejudices such as race) ran the danger of being perceived as a 'feel good' campaign, without changing attitudes or being open to evaluation.<sup>60</sup>

### Understanding of human rights in the Asia Pacific

2.69 The Committee received limited evidence on the understanding of human rights and governance in regional countries.

2.70 The University of the South Pacific Law School provided some insight into how human rights are understood in the Pacific, at least amongst university students.

Whilst student attitudes are not always easy to gauge, it does seem a reasonable conclusion to say that a majority of them find the idea of a regime of human rights rather strange and at odds with their own cultural values in many respects. Human rights regimes are often perceived as something determined by alien agendas and imposed on Pacific countries from outside. They are perceived frequently as in conflict with local cultural values and to be the product of some kind of imperialist tendency on the part of so-called Western countries.<sup>61</sup>

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59 Submission 40, Castan Centre, pp. 7-8.

60 Submission 37, HREOC, p.5.

61 Submission 30, School of Law, University of the South Pacific, pp.5-6

- 2.71 Moreover, according to the University of the South Pacific Law School this perception extends to law itself, with a common difficulty being the notion that the rule of law involves government by abstract or formal principles rather than by persons.<sup>62</sup>
- 2.72 Despite these apparent misconceptions, efforts have been made in the Pacific to contextualise human rights. For example, participants at a sub-regional workshop for Pacific Island States on Human Rights Education and the Administration of Justice noted that the:
- Pacific region has developed distinctive and effective practices for the promotion and protection of human rights in the framework of community life. In particular, the experience of Pacific States in employing traditional means of dispute settlement, including mediation and restorative justice, is a rich one and should be integrated into efforts to further promote respect for human rights within all aspects of the administration of justice.<sup>63</sup>

## Conclusion

- 2.73 The Committee found the variation in responses to be illuminating. The lack of consensus on the level of community understanding of human rights and good governance in Australia demonstrates that current promotional and educative approaches are not having the desired impact.
- 2.74 However, the studies highlighted cannot provide a comprehensive snapshot of the extent and level of awareness and understanding of human rights and governance (civics) in Australia, at both school and community levels. A UN report on the follow-up to the UN Decade for Human Rights Education stressed the need for ascertaining people's opinions about human rights as a useful course of action for planning and evaluating human rights education efforts.<sup>64</sup>
- 2.75 The Committee believes that before new initiatives and long-term strategies can be considered and developed, such as public awareness campaigns, there is a need to determine the level of public understanding and awareness of human rights and human rights issues. The Committee also notes that the UN's guidelines for developing a national action plan for human rights education (discussed in more detail in Chapter 5) call for governments to undertake baseline studies of understanding of human

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62 Submission 30, School of Law, University of the South Pacific, p.6

63 Submission 29, Asia-Pacific Human Rights Information Centre, p.12.

64 *Promotion and Protection of Human Rights: Information and Education*, 23 February 2003, UN Document E/CN.4/2003/101, para. 27.



rights and human rights needs in the community. The Committee believes that the National Committee for Human Rights Education, properly resourced for the task, is the appropriate body to undertake this survey.

### Recommendation 1

**That the National Committee for Human Rights Education undertake a baseline survey of human rights attitudes and understanding in Australia, as indicated in its mission statement and in the guidelines for the Decade for Human Rights Education**

## Delivery and content of human rights and good governance education

### Delivery of human rights and good governance education

- 2.76 Human rights education is delivered in a number of ways.
- 2.77 Felice Yeban, from the Centre for Peace, Gender and Human Rights Education at the Philippine Normal University, contends that the human rights education sector can be broken into *formal* and *informal and non-formal* sectors, each of which brings with it a particular approach and viewpoint to issues such as the definition, objective and content of human rights education, the target audience and who are the primary human rights educators. The Plan of Action for the United Nations Decade for Human Rights Education states that activities carried out under the Decade shall bring the objectives of the Decade to as wide an audience as possible, through both formal and non-formal education<sup>65</sup>.
- 2.78 In brief, the *formal* sector is predominantly associated with the delivery of human rights education in the school system within the curriculum or as co-curricular or extra-curricular activities. The basic assumption is that human rights education is about a set of human rights concepts, values and skills that must be taught to students.<sup>66</sup>
- 2.79 The *non-formal* sector is community-based and structured programmes are conducted through consciousness raising and para-legal training. The *informal* sector is more ad hoc and unstructured activities are undertaken through public campaigns, theatre, posters, and informal discussions. The

65 *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, para.5.

66 Felice Yeban, 'Beyond Concepts, more than texts: Re-thinking human rights education', paper delivered to the *Regional Response to the United Nations Decade of Human Rights Education*, Asian Regional Resource Centre for Human Rights Education, Nepal, 1999.

content of non-formal human rights education is usually determined by the needs of the community and the orientation of the organiser and not bound by a prescribed curriculum as in the formal school sector.<sup>67</sup>

Table 1 A comparison of formal and non-formal human rights education (HRE)

Area of Comparison	Formal	Informal/non-formal
<b>Definition of HRE</b>	Teaching of human rights concepts, values and skills	Process of understanding people's experiences through human rights standards for empowerment
<b>Objective of HRE</b>	Learning of human rights concepts, values and skills to prepare students for democratic society	People empowerment, national liberation, democracy
<b>Content of HRE</b>	Universal Declaration on Human Rights and prescribed curriculum	People's experiences, social analysis, international and national human rights standards
<b>Methodology</b>	Integration through lecture and activities	Dialogue, activities, reflection, discussion
<b>Human Rights Educators</b>	Teachers	NGO workers, lawyers, activists
<b>Target audience</b>	Students, teachers, school administrators	Marginalised groups, strategic partners and general public
<b>Major factors affecting conduct of HRE</b>	The school system/environment	Confluence of economic, social and political factors

Source Felice Yeban, 'Beyond Concepts, more than texts: re-thinking human rights education', paper presented to the *Regional Response to the United Nations Decade of Human Rights Education, Nepal, 1999*.

2.80 An alternative approach is proposed by Felisa Tibbitts, Executive Director of Human Rights Education Associates (HREA). Tibbitts has put forward three models for undertaking human rights education, depending on the target audience and the desired goals:

- the **values and awareness** model: a mass oriented model focusing on transmitting basic knowledge of human rights issues and fostering its integration into public values;
- the **accountability** model: focused on those whose professional roles are already associated with the guarantee of human rights and who can potentially be protectors or violators of human rights; and
- the **transformational** model: targets specific groups or individuals to empower them to recognise, address and prevent human rights abuses.<sup>68</sup>

67 Felice Yeban, 'Beyond Concepts, more than texts: Re-thinking human rights education', paper delivered to the *Regional Response to the United Nations Decade of Human Rights Education, Asian Regional Resource Centre for Human Rights Education, Nepal, 1999*.

- 2.81 Tibbitts also identifies four possible objectives for human rights education:
- education leading to advocacy
  - fostering and enhancing leadership
  - coalition and alliance development; and
  - personal empowerment.<sup>69</sup>
- 2.82 The models and objectives outlined by Tibbitts are not mutually exclusive or mutually inconsistent. It is intended that all the elements should be included in a broad and inclusive national action plan for human rights education.
- 2.83 Taking both approaches into account, the evidence suggests that in regional efforts to promote human rights education a formal approach or values awareness model is favoured. The UN's mid-term review of the Decade for Human Rights Education states that a number of countries are working at including human rights education in their respective education systems, with the national constitution, the Universal Declaration of Human Rights, the International Covenants and the International Convention on the Rights of the Child, providing content for human rights education in schools.<sup>70</sup>
- 2.84 The use of informal approaches appears less developed, although the committee notes the use of accountability and transformative models in Australia's human rights and governance initiatives. The UN notes that some national human rights institutions are conducting awareness raising programmes for the general public and some NGOs have developed training and mass media programmes.<sup>71</sup>
- 2.85 The Committee observes that there does not appear to have been similar work undertaken in regard to developing models for framing good governance education. The Committee is aware of the programme currently being undertaken by the Asia-Australia Institute, *Governance, Capacity Building and Cultures of Sovereignty*, which is concerned with the

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68 Tibbitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education, *International Review of Education*, Vol. 48 (3-4), 2002, p.163-67.

69 Tibbitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education, *International Review of Education*, Vol. 48 (3-4), 2002, p.161-62

70 UN. 2000. *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 (1995-2004)* September 2000, UN Document A/55/360.

71 UN. 2000. *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 (1995-2004)* September 2000, UN Document A/55/360, pp.11-12.

development of effective strategies for institutional capacity building. The Committee believes that the concepts and models developed for human rights education are applicable to developing a foundation for undertaking good governance education in a more rigorous and consistent way.

- 2.86 It must also be noted that, technically, not all human rights work equates as human rights education. The Asian Regional Resource Centre for Human Rights Education makes a distinction between human rights activities and argues that human rights education means ‘providing people specifically designed learning opportunities to enable them to possess and validate a specific body of human rights knowledge, values and skills’. Further, they distinguish between human rights ‘activists’ and human rights ‘educators’. A human rights activist is defined as someone who responds to a particular human rights case or situation and engages themselves in human rights work because they have undergone human rights education. “A human rights educator's main concern is the development of an individual or groups of learners as individuals who must possess and validate a specific body of human rights knowledge, values, and skills so that they may be responsive to a particular human rights case or the general human rights scenario”.<sup>72</sup>
- 2.87 Similar comments could be made in respect to governance. Not all governance work is governance education and not all governance practitioners or experts are governance educators. Although a valuable development contribution, sending finance experts into a country to assist a Government’s finance department does not necessarily constitute governance education, nor may the finance expert necessarily be considered an ‘educator’. Moreover, the Committee believes that in the context of governance, the educative aspect of governance assistance appears to have been relatively ignored in favour of technical assistance.

### **Content of human rights and good governance education**

- 2.88 To educate people about human rights and good governance, as with any subject matter, to teach it effectively it is necessary to define and organise which ideas, concepts, practices and principles need to be taught. In this respect, what should be included in any curriculum of human rights and good governance education has been not clearly defined. However, the

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72 *Human Rights Vs. Human Rights Education*, From "HRE PACK" (1995). Published by Asian Regional Resource Center for Human Rights Education ([www.arrc-hre.com/about/04whatishre/hrvshre.html](http://www.arrc-hre.com/about/04whatishre/hrvshre.html))

evidence gathered by this inquiry indicates that there are certain important components to any education programme.

- 2.89 In one sense, the UN Declaration itself can be seen as a curriculum in 30 steps (paragraphs) which are basic to any programme of human rights education.<sup>73</sup> More specifically, four basic elements of human rights education have been identified: 1) knowledge of the main international documents; 2) the combination of human rights, and human duties that emerge out of them, as well as the responsibility of the individual towards the community, society and the developing 'world society'; 3) knowledge about human rights violations; and 4) the various forms of resistance, key events and important persons and organisations.<sup>74</sup>
- 2.90 The Vienna Declaration states that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.<sup>75</sup>
- 2.91 The Asian Regional Resource Centre for Human Rights Education defines the content of human rights education as:
- ...a participative process which contains deliberately designed sets of learning activities using human rights knowledge, values, and skills as content aimed at the general public to enable them to understand their experiences and take control of their lives.<sup>76</sup>
- 2.92 The United Nations Association of Australia appears to promote a formal approach, stating that human rights and good governance education should include basic philosophy and principles of human rights; international human rights instruments; Australia's human rights institutions and civil society and the rule of law.<sup>77</sup>
- 2.93 UNICEF Australia suggests a focus on informal and non-formal approaches, arguing that human rights and good governance education must be comprehensive; incorporate all levels of society; ensure full

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73 Lohrenscheit, C, 'International Approaches to Human Rights Education', *International Review of Education*, Vol 48 (3-4), July 2002, p.175.

74 Lohrenscheit, C, 'International Approaches to Human Rights Education', *International Review of Education*, Vol 48 (3-4), July 2002, p.178

75 UN. *Vienna Declaration and Programme of Action*. UN Document A/CONF.157/23, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993.

76 **What is Human Rights Education?**, From "HRE PACK" (1995). Published by Asian Regional Resource Center for Human Rights Education (<http://www.arcc-hre.com/about/04whatishre/definition.html>)

77 Submission 11, UNAA, Inc, p.2

participation of the most disadvantaged and the most vulnerable; and provide tangible outcomes for individuals and communities in order to ensure long-term sustainability and effectiveness in terms of development.<sup>78</sup>

- 2.94 The Committee notes that human rights education is not a homogenous concept or practice, but that approaches may vary depending on the way human rights and good governance education is understood, the desired objectives, and the targets of initiatives. Felissa Tibitts argues that different societies use different approaches to using human rights education in addressing human rights issues depending on the challenges faced and the priorities of the country:

In developing countries, human rights education is often linked with economic and community development, and women's rights. In post-totalitarian or authoritarian countries, human rights education is commonly associated with the development of civil society and the infrastructures related to the rule of law and the protection of individual and minority rights. In older democracies, human rights education is often conjoined favourably with the national power structure but geared towards reform in specific areas, such as penal reform, economic rights and refugee issues.<sup>79</sup>

- 2.95 With respect to good governance education, there is a dearth of information to assist in identifying the content of education initiatives. Unlike human rights education which can draw upon generally agreed international declarations and covenants for the basic content of education initiatives, good governance does not have a comparable foundation. Unlike human rights education, good governance education is not linked to an established field of study or practice (such as education), nor does it have a developed theoretical or practical base.
- 2.96 It is possible, from the previous definitions of 'governance' and 'good governance', to suggest what may constitute a programme of good governance education. ACFOA simply states that "good governance education includes training and dissemination of information that promotes a concept of governance" and that basic education forms an essential element to good governance.<sup>80</sup> It may be assumed that any educative programme in good governance would revolve around those

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78 Submission 16, UNICEF Australia

79 Tibitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education', *International Review of Education*, Vol. 48 (3-4), 2002, p.160

80 Submission 23, Australian Council for Overseas Aid, p.10.

principles seen as distinguishing good governance from governance (or 'bad' governance<sup>81</sup>), such as transparency, accountability, equity and responsiveness. However, without an agreed definition it is more difficult to analyse governance programmes and efforts to provide education in governance.

- 2.97 In reality, governance is very complex and 'encompasses all the structures and processes for determining the use of available resources for the public good within a country'.<sup>82</sup> This observation by Thomas Weiss, of the City University of New York, highlights the complexity in developing a good governance education framework:

...good governance is more than multiparty elections, a judiciary and a parliament, which have been emphasised as the primary symbols of Western style democracy. The list of other attributes, with the necessary resources and culture to accompany them, is formidable: universal protection of human rights; non-discriminatory laws; efficient, impartial and rapid judicial processes; transparent public agencies; accountability for decisions by public officials; devolution of resources and decision making to local levels from the capital; and meaningful participation by citizens in debating public policies and choices.<sup>83</sup>

## Conclusion

- 2.98 Given the range of commentary on human rights and good governance education, the goal is to find a balance between approaches and views. The Committee feels there is a role for human rights and good governance education in schools within a curriculum context.
- 2.99 However, it is also important to recognise the importance of informal and non-formal approaches and different models to developing broad community awareness and participation, whilst also addressing specific individual and minority issues.
- 2.100 Understanding these approaches and models assists with planning future efforts in human rights and good governance education. Further, while

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81 The World Bank has defined 'bad' governance as personalisation of power, lack of human rights, endemic corruption and un-elected and unaccountable governments. Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol 21 (5), p.801.

82 Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol.21 (5), p.801.

83 Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol.21 (5), p.801.

the concepts and principles of human rights education are well developed, there is a need to revisit and refine how good governance education is conceived and implemented.

- 2.101 What has not been addressed is the relationship between human rights *education* and good governance *education*. In the submissions to the inquiry, the two terms are, on the whole, conflated. This creates confusion as to who is considered to be human rights and/or good governance education practitioners and, from the myriad programmes in place, what exactly constitutes a programme of human rights and/or good governance *education*. In this regard, the Committee believes that it is important for human rights and good governance education practitioners to explore the relationship between education in human rights and education in good governance and what qualifications and training are required to be considered a human rights or good governance educator.



## **Australia's involvement in human rights and good governance education**

### **Introduction**

- 3.1 Australia is involved in human rights and good governance education across a broad spectrum of activities.
- 3.2 The Committee believes that a solid domestic programme of human rights and good governance education, not only in schools but also in workplaces and the broader community, would assist with Australia's promotion of human rights and good governance education in the region.
- 3.3 The submissions received in the course of the inquiry highlighted a diverse range of domestic human rights and good governance education programmes within primary and secondary schools and at the tertiary level.
- 3.4 Australia is also engaged in promoting human rights and good governance education in the Asia Pacific region through bilateral and multilateral development assistance activities, regional forums and organisations, and non-government organisations.
- 3.5 Australia has also supported human rights and good governance education internationally, primarily through the United Nations and attendant bodies.
- 3.6 This chapter will outline current policy, describe the range of domestic, regional and international initiatives undertaken and promoted by Australia, and highlight obstacles to the progress of human rights and good governance education brought to the Committee's attention during

the inquiry. As there are many programmes that either directly or indirectly address human rights and good governance education the Committee will not attempt to describe all projects but will concentrate on those raised in the evidence received during the inquiry. The question of whether or not Australia has met the goals of the UN Decade for human rights education will be addressed in Chapter 5.

## Domestic programmes

- 3.7 In principle, Australia is obligated to undertake human rights education through the international instruments to which it is a party, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration on Human Rights.
- 3.8 There is a wide range of domestic initiatives undertaken by Commonwealth and State government agencies and non-government organisations to promote human rights and good governance education (which may also be termed ‘civics’).
- 3.9 In 2002, the National Committee for Human Rights Education hosted the *Dignity, Democracy, Equality: National Strategic Conference on Human Rights Education*. The conference was intended to bring a national strategic focus to the question of human rights education in Australia, with two main questions being put to the conference: the state of play in human rights education in Australia, and measures to further develop human rights education into the future.<sup>1</sup>
- 3.10 The Conference resulted in a raft of recommendations including workplace, teacher training and curriculum development, the media, schools and universities, and the legal profession.<sup>2</sup>

## Commonwealth Initiatives

### Schools

- 3.11 Constitutional responsibility for education and training in Australia rests with the States and Territories. Within each State and Territory, education ministers, education departments, statutory authorities and individual

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1 Submission 22, NCHRE, p.27

2 Submission 22, NCHRE, pp.4-7

schools determine policies and practices on matters such as curriculum, course accreditation, student assessment, resources allocation and teacher training and employment.

- 3.12 The Commonwealth's role broadly incorporates funding education and training, and shaping education and training policy.
- 3.13 The Committee is aware that there is a range of primary and secondary level programmes of human rights and good governance education (often referred to as 'civics') at the Commonwealth and State/Territory levels. Human rights education is mostly integrated into other subject areas such as studies of society and environment.

## Primary and Secondary school

### *Discovering Democracy*

- 3.14 *Discovering Democracy* is a civics and citizenship education programme coordinated by the Department of Education, Science and Training (DEST). The programme aims to assist students to learn about Australia's democratic heritage and the values underpinning it such as liberty, fairness, trust, mutual respect and social cooperation. The programme also teaches students about the operation of the Australian system of government and law and what it means to be an Australian today. The programme supports the goal espoused in the National Goals for Schooling in the Twenty-First Century that students upon leaving school should be active and informed citizens with an understanding and appreciation of Australia's system of government and civic life.<sup>3</sup>
- 3.15 *Discovering Democracy* received \$18 million in funding from 1997 to 2000 and a further \$13.6 million to extend the programme to June 2004 to help embed it in schools. Funding has been provided for curriculum resources, teacher professional development and national activities to support the programme.<sup>4</sup>
- 3.16 The programme has a unit on human rights which aims to help students understand the United Nations Universal Declaration on human rights and struggles for democracy overseas. A unit on global citizenship is being developed for the *Discovering Democracy* website.<sup>5</sup>
- 3.17 The 2002 *National Strategic Conference on Human Rights Education* identified this programme as being the flagship Commonwealth curriculum

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3 Submission 31, DEST, p.1.

4 Submission 31, DEST, p.2.

5 Submission 31, DEST, p.2. See [www.curriculum.edu.au/democracy/index.htm](http://www.curriculum.edu.au/democracy/index.htm)

programme for human rights education. While it is recognised that the *Discovering Democracy* programme has one unit on human rights, the Conference suggested that human rights education needed to be incorporated into all levels of the programme.

3.18 With respect to the intimate link between democracy and human rights, the Committee supports the observations of the Conference.

3.19 The Committee notes that although *Discovering Democracy* concludes at the end of June 2004, the Government has announced further funding for the area of civics and citizenship education in Budget 2004-05. The new funding will provide “\$34.7 million over four years for values, civics and citizenship education initiatives” which will “provide for a continuation of the Civics and Citizenship Education programme, which assists students to learn about the values underpinning Australia’s democracy”.<sup>6</sup> It is expected that the continued funding “will build on the *Discovering Democracy* programme”.<sup>7</sup>

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## Recommendation 2

**The Committee recommends that human rights education be incorporated into all levels of civics and citizenship education initiatives**

### *Citizenship for Humanity*

3.20 The *Citizenship for Humanity* project is one of the key initiatives of the NCHRE and was launched with the support of the Committee at Parliament House on 10 December 2002.

3.21 The *Citizenship for Humanity Project* is based on the idea of partnership and mobilisation of all citizens concerned about human rights and their promotion in Australia. Schools are provided with a lesson guide comprising four sections: What are Human Rights; One Human Family; Celebrating Diversity; and Justice - A Fair Go for All. The lesson guide is designed to allow students to work through the material and to instigate classroom discussion. The project particularly encourages final year primary school students to take time to reflect on human rights and their importance in our community. Certificates of Humanity are awarded in

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6 Budget 2004-05, Budget Paper No. 2, Part 2: Expense Measures: Education, Science and Training - *Values for Life Initiative*

7 Media release, Dr Brendan Nelson, Minister for Education, Science and Training, *\$34.6 million for values, civics and citizenship education*, 11 May 2004 MINBUD 12/04

recognition of student participation and affirmation of human rights values.

- 3.22 The Citizenship for Humanity Project can also be carried out in other environments – e.g. community organisations, workplaces, youth groups, churches and faiths.<sup>8</sup>
- 3.23 The NCHRE reports that progress of the Citizenship for Humanity Programme is very slow, with few state human rights education committees taking up the initiative. The NCHRE reported that only the Victorian government has agreed to take the project on board through schools.<sup>9</sup> The Committee is concerned at the slow take up of this important initiative. This is a key initiative for the NCHRE and does not reflect well on the level of coordination or cooperation regarding human rights and good governance education for NCHRE or for Australia.

#### *Living in Harmony*

- 3.24 *Living in Harmony* is administered by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). This initiative provides a framework for combating racism and involves a community grants programme, a partnerships programme with a range of government and non-government agencies and a public information strategy.<sup>10</sup>

#### *HREOC programmes*

- 3.25 HREOC has statutory obligations to promote human rights in Australia.<sup>11</sup> In line with these obligations, HREOC has developed and delivers a broad range of human rights education programmes. The Commission's education strategy is aimed at school teachers and students by way of workshops and online web materials and activities.<sup>12</sup>
- 3.26 The flagship programme is *Youth Challenge*, which since its inception in 1998 has enabled 500 000 students to obtain study materials, increasingly delivered on-line. HREOC's electronic mailing list, established in 2002, now has approximately 3500 teachers as subscribers who receive the monthly update newsletter.<sup>13</sup>

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8 NCHRE, *Citizen for Humanity Project* <http://www.nchre-australia.org/project.html>. See also the NSW Human Rights Education Committee at <http://www.nswhrec.freesevers.com/citizenshipforhumanity.htm>

9 Transcript 3 April 2003, FADT 29.

10 Submission 44, Attorney-General's Department, p.4.

11 Submission 37, HREOC, p.2.

12 Submission 21, HREOC, p.7.

13 Transcript, 16 May 2003, FADT 87-88.

- 3.27 In 1998-2000, HREOC conducted a series of workshops under the title *Youth Challenge: Human Rights, Human Values*. While HREOC reports the initiative was well received, it was limited by the relatively small number of students and teachers from each school who were able to attend the workshops.<sup>14</sup>
- 3.28 In response to the difficulty of reaching all 1489 secondary schools in the Australian education system, HREOC has developed a comprehensive on-line human rights education strategy. Most recently, in 2001 HREOC developed an on-line module of *Youth Challenge*. The programme consists of:
- online education modules;
  - current issues series
  - human rights education promotion, including making links with curricula;
  - external human rights education resource collection; and
  - electronic mailing list.<sup>15</sup>
- 3.29 HREOC describes the *Youth Challenge* module, which was short listed for The Australian's *2002 Awards for Excellence in Educational Publishing*, as being flexible, focusing on real life issues and able to be used across many curricular areas including history, English, civics/citizenship, legal studies and studies of society and environment.<sup>16</sup>
- 3.30 HREOC has also launched an on-line *Information for Teachers* portal to provide teachers with up-to-date material and assist in the design of lessons across many subjects.<sup>17</sup>
- 3.31 The latest resource for teachers, *Teaching Human Rights and Responsibilities* was released in June 2003.<sup>18</sup>
- 3.32 HREOC states that their website is very heavily used with 3.5 million page views per annum and around 36 million hits per annum.<sup>19</sup> Detailed information on available education materials may be accessed via the HREOC website at <http://www.hreoc.gov.au/>

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14 Submission 21, HREOC, p.8.

15 Submission 21, HREOC, p.8.

16 Submission 21, HREOC, p.8-9.

17 Submission 21, HREOC, p.9-10.

18 Transcript, 16 May 2003, FADT 88.

19 Transcript, 16 May 2003, FADT 88.

*Commonwealth Parliament*

- 3.33 Both houses of the Australian Parliament contribute to school education on human rights and good governance.<sup>20</sup>
- 3.34 The Parliamentary Education Office (PEO), which is jointly funded by the House of Representatives and the Senate, was specifically established to develop understanding of Australia's parliamentary system among primary and secondary students.<sup>21</sup> These programmes are delivered in Parliament House, local schools, and State Parliaments and local councils. The PEO also has a programme of visits to regional centres across Australia.<sup>22</sup>

*Curriculum Corporation*

- 3.35 Curriculum Corporation is an independent company owned by all Australian Ministers for Education that works in the development of curriculum material supporting rights, peace and justice education.<sup>23</sup>
- 3.36 As part of the *Global Education* project funded by the Commonwealth Government, Curriculum Corporation developed a statement to support global education in Australian schools in 2002, which provides a reference point for educators seeking to include a global education perspective in their curriculum.<sup>24</sup>
- 3.37 In 2001 the Federal Court of Australia commissioned Curriculum Corporation to design, develop and implement a national curriculum resource project, to foster teaching and learning in law and justice and the Australian legal system. This project produced two teaching and learning units, supported by a video, focused on actual cases on which the Court had adjudicated<sup>25</sup>.
- 3.38 The Corporation manages the *Values Education Study* on behalf of DEST. This project comprises three aspects<sup>26</sup>:
- a review of current Australian and overseas research on values education;

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20 Submission 7, Speaker of the House of Representatives, p.1 and Submission 15, President of the Senate, p.2.

21 Submission 7, Speaker of the House of Representatives, p.1.

22 PEO website at <http://www.peo.gov.au/programs/index.html#primary> (page updated: May 24, 2004)

23 Submission 10, Curriculum Corporation, p.2.

24 Submission 10, Curriculum Corporation, p.2.

25 Submission 10, Curriculum Corporation, p.3.

26 Submission 10, Curriculum Corporation, p.4.

- research to determine parent, teacher and student views on the values the community expects Australian schools to foster; and
  - action research with a range of schools to develop and demonstrate good practice in values education.
- 3.39 The Corporation is also involved in the Commonwealth's *Discovering Democracy* programme<sup>27</sup> and manages the development and publication of a number of print, audiovisual and electronic resources.

### Tertiary

- 3.40 Most Australian universities, particularly those with law schools and/or programmes in international relations, have, at a minimum, specific units or components of units on human rights. A number of universities also have more extensive programmes in human rights. In addition, many institutions offer units in governance as part of broader programmes of study, for example, public sector administration or development studies.
- 3.41 The Committee is aware that at the tertiary level a number of universities host human rights research centres. These centres predominantly focus on research; although they do have an educative role in that information is disseminated through seminars, workshops and the dissemination of research papers and other publications. The Committee encourages and supports the work of these institutions.<sup>28</sup>
- 3.42 In the course of the inquiry, the Committee was informed of the establishment of a centre specifically aimed at human rights education.
- 3.43 The Centre for Human Rights Education at Curtin University of Technology was established in January 2003 following the appointment of Professor Jim Ife as inaugural Haruhisa Handa Professor of Human Rights Education.
- 3.44 Professor Ife outlined four key elements in the philosophy of the Centre, which will:
- take a broad view of education, including formal and community education;
  - take a multidisciplinary view of human rights;
  - aim to provide a strong link between scholarship and practice; and
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27 Submission 10, Curriculum Corporation, p.3.

28 For example: The Castan Centre for Human Rights Law (Monash University), the Australian Human Rights Centre (UNSW), and the Centre for Human Rights Education (Curtin University of Technology).



- be committed to a genuinely cross-cultural approach.<sup>29</sup>
- 3.45 Professor Ife envisaged a broad range of activities for the Centre, although at this time the priority has been to establish post-graduate courses.<sup>30</sup> In the future the Centre will offer short courses in human rights (for example, human rights and business and human rights and policing), public workshops and seminars on human rights issues, be a focal point for research into human rights practice and education, and seek consultancies around the development of human rights education programmes.<sup>31</sup>
- 3.46 Professor Ife indicated that the programmes offered by the Centre will be open to domestic students and students from the Asia Pacific region. In this regard, Professor Ife has suggested that AusAID provide scholarships for overseas students to undertake courses at the Centre. AusAID advised that overseas students can study human rights courses at education institutions (including Curtin University) contracted to AusAID under the Australian Development Scholarship (ADS) scheme. ADS scholarships are not earmarked for particular courses, nor tied to a particular institution.<sup>32</sup>
- 3.47 Professor Ife also identified domestic students, including from Aboriginal and Torres Strait Islander communities, who would also benefit from scholarships.<sup>33</sup> However, Professor Ife recognised the need for the Centre to develop its own funding sources through student fees and consultancy opportunities.<sup>34</sup>
- 3.48 Professor Ife also indicated that while the focus of the Centre's programmes will be on human rights, he sees governance as central to the programmes offered.<sup>35</sup>
- 3.49 The Committee notes that, while there appears to be a number of institutions that have a focus on human rights, it is not clear whether there are cooperative mechanisms or frameworks between them.

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29 Transcript, 3 April 2003, FADT 2.

30 Transcript, 3 April 2003, FADT 2. The Centre is offering two Masters courses in Human Rights Practice and Human Rights Education. See *Centre for Human Rights Education - Courses* <http://www.humanities.curtin.edu.au/cgi-bin/view?area=hre&dir=Home&page=Courses> (modified on 27-05-2004)

31 Centre for Human Rights Education. 2003. *An Introduction to the Centre for Human Rights Education*. Curtin University of Technology, March 2003

32 Submission 41, AusAID, p.2.

33 Transcript, 3 April 2003, FADT 2 and 5.

34 Transcript, 3 April 2003, FADT 3.

35 Transcript, 3 April 2003, FADT 5.

- 3.50 The Centre for Democratic Institutions suggested that the links between tertiary academic institutions teaching human rights be strengthened through exchanges of people and materials as a way of enhancing human rights education.<sup>36</sup> The Committee strongly supports this suggestion.
- 3.51 The 2002 *National Strategic Conference on Human Rights Education* also highlighted the key role played by university law schools in providing human rights education. It was noted that human rights courses are generally optional in law schools rather than forming a part of the core curriculum, and there is an absence of mainstreaming human rights across the legal curriculum.<sup>37</sup>
- 3.52 Almost every field of law has human rights implications, and a broader understanding of human rights by law graduates would filter down into a range of professions and employment sectors which would assist in the protection and promotion of human rights. The Committee, therefore, encourages Australian law schools, and the legal profession, to incorporate human rights into the core curriculum in Australian law schools.

## State Government

### Primary and Secondary school human rights education programmes

- 3.53 The Committee sought submissions from all state and territory governments and education authorities. Apart from the ACT and WA governments, no other state government or state education authority made a submission to the inquiry. As such, the Committee is not in a position to discuss fully state or territory school based human rights and good governance education initiatives. The Committee was disappointed with the lack of participation on the part of state and territory governments, considering the important role that state and territory governments and education authorities play in delivering human rights and governance education.
- 3.54 As discussed above, state and territory education authorities and teachers may incorporate material developed by DEST and HREOC and delivered through the *Discovering Democracy* and *Youth Challenge* programmes. In the face of what was described as a 'packed curriculum', HREOC argued that the Commonwealth relies on cooperative ventures such as the Ministerial Council on Education, Employment, Training and Youth

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36 Submission 38, Centre for Democratic Institutions, p.2.

37 Submission 22, NCHRE, p.35.

Affairs (MCEETYA) to incorporate topics like human rights into the state and territory education curriculum.<sup>38</sup>

3.55 DEST informed the Committee that all education ministers have agreed to the development of student performance indicators for civics and citizenship education. Assessment will be through a representative national sample survey of Year 6 and Year 10 students. Work on these measures is ongoing and the first survey will be held in 2004 with subsequent surveys and three-yearly intervals.<sup>39</sup>

3.56 In addition, two key performance measures have been developed for civics and citizenship education:

- the first to focus on civic knowledge and understanding; and
- the second on citizenship participation skills and civic values.

3.57 DEST indicated that the assessment items are being trialled before the first national survey.<sup>40</sup>

3.58 The WA Government submitted that human rights education is embedded in the *WA Curriculum Framework* (in the Society and Environment learning area), which is being implemented in all schools from Kindergarten to Year 12. The programme is designed so that students understanding of the concepts and values that support human rights are developed at increasing levels of sophistication through achievement of the outcomes identified in the framework. Students need to develop an understanding of:

- civic responsibility and social competence;
- the worldviews that are reflected in different interpretations and perspectives of people, places, events; and
- the concepts and practices that support democratic processes and principles of social justice and ecological sustainability and enable students to take appropriate social action.<sup>41</sup>

## Conclusion

3.59 The Committee welcomes and supports state and territory efforts towards promoting human rights and good governance education in their

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38 Submission 37, HREOC, p.3.

39 Submission 31, DEST, p.1.

40 Submission 31, DEST, p.1.

41 Submission 42, WA Government, p.1.

respective curriculum. However, the Committee also notes the observation from the 2002 *National Strategic Conference on Human Rights Education* that, apart from Victoria, ‘the United Nations Decade on Human Rights Education has made very little impact as yet on state education systems’.<sup>42</sup>

- 3.60 The Conference also found that human rights and good governance education, particularly in schools, is approached in a multitude of ways ‘depending on the perspective underlying a particular programme: civics, values, anti-racism etc’. While it is conceded that this brings certain benefits, such as providing context to concrete human rights issues, it results in the ‘fracturing’ of human rights and good governance education and the ‘absence of coherence from the point of view of human rights education as a whole’. This does not help in the development of coherent human rights and good governance education programmes and ‘it represents a human rights education constituency which is divided and generally does not communicate across thematic boundaries’.<sup>43</sup>
- 3.61 In light of the clear need for a coordinated approach regarding human rights and good governance education, the Committee believes that the Minister for Education, in collaboration with state and territory Ministers on the Ministerial Council on Education, Employment, Training and Youth Affairs, should work towards developing a coherent and consistent approach to human rights education, and to providing human rights education with a formal role in the education system.

### **Recommendation 3**

**The Committee recommends that the Minister for Education, in collaboration with state and territory Ministers on the Ministerial Council on Education, Employment, Training and Youth Affairs, develop a coherent and consistent approach to human rights education, and to providing human rights education with a formal role in the education system.**

### **Workplace/Government**

- 3.62 The Committee supports the principle that human rights education should be broad and be accessible to all sections of the community. The importance of ensuring human rights and good governance education is

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42 Submission 22, NCHRE, p.32

43 Submission 22, NCHRE, p.32

promoted at all levels of society was highlighted by a number of submissions<sup>44</sup>.

- 3.63 The Human Rights sub-Committee has addressed the issue of human rights training in the workplace, specifically for Commonwealth officers and defence personnel, in its 1992 report *A Review of Australia's Efforts to Promote and Protect Human Rights*.
- 3.64 While the establishment of human rights and good governance education within primary and secondary education curricula has received the most attention, the 2002 *National Strategic Conference on Human Rights Education* observed that there appeared to be a high level of 'illiteracy' in regard to human rights in the workplace.<sup>45</sup>
- 3.65 The Committee notes that HREOC has a comprehensive section on its website containing human rights information for employers, which outlines their responsibilities and obligations, and provides a summary of relevant human rights, anti-discrimination and equal opportunity legislation in Australia.<sup>46</sup> This is a valuable resource and should probably be more widely promoted by HREOC to employers and employees.
- 3.66 More specifically, the NCHRE argued that there is a notable absence of comprehensive human rights educational programmes for Commonwealth public sector employees, which 'represents a key weakness in the capacity of the Government to deliver on human rights commitments'.<sup>47</sup> Chief Justice Malcolm observed that:

One continually receives anecdotal evidence in the courts about the people who have been given short shrift in their dealings with government departments, one way or another. I think there is a concept of due process: people who feel they have been wiped off without being listened to or have not been given an opportunity to adequately put their case in relation to a particular issue.<sup>48</sup>

- 3.67 All public service agencies have some form of workplace equity and diversity, or similar, training programmes in place. A number of Commonwealth Government departments, such as DFAT and Defence, have more specific human rights education programmes.

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44 Submission 26, Australian Lawyers for Human Rights, p.6; Submission 16, UNICEF Australia, p.4; Submission 25, Australian Volunteers International, p.2.

45 Submission 22, NCHRE, p.30.

46 See: *Information for Employers*, [http://www.hreoc.gov.au/info\\_for\\_employers/index.html](http://www.hreoc.gov.au/info_for_employers/index.html) (updated 2 December 2001)

47 Submission 22, NCHRE, p.13.

48 Transcript 3 April 2003, FADT 29.

## Defence

- 3.68 The Department of Defence provided the Committee with a detailed description of the various programmes it has in place. Defence considers knowledge of human rights, and equality and diversity to be a strategic necessity and an important component of operational capability and effectiveness. Given the range of military and humanitarian operations that the defence forces have had to undertake, including the recent Solomon Islands operation, knowledge of human rights is critical.
- 3.69 General workplace training programmes provided to defence personnel include: equity and diversity awareness; Defence: Fair, Inclusive and Bully Free; Cultural diversity; Understanding Sexual Orientation; and, Equity Advisor Training. Defence Force members are provided with a range of more specific training programmes, including: workplace training for ADF staff of career management agencies; career development training; leadership education and; pre-deployment training. Pre-deployment training incorporates programmes covering: the law of armed conflict; personal conduct and cultural briefings.<sup>49</sup>
- 3.70 Australian Public Service (APS) employees in the ADF are encouraged to undertake units of the public service training package: *Work Effectively with Diversity* and *Manage Diversity*.<sup>50</sup>
- 3.71 The Committee believes that the successful conduct of recent operations such as East Timor, Bougainville, Afghanistan and Iraq, reflects the value and importance of these human rights education efforts.
- 3.72 However, the Human Rights Council of Australia (HRCA) highlighted the need for defence personnel to be provided with specific human rights training, given the changing nature of likely operations and engagements, which are increasingly focused on maintaining law and order. While the HRCA recognises that defence training incorporates the basics of international humanitarian law (as described above), the types of operations in which defence forces are involved are increasingly covered by international human rights law, rather than the rules of war as codified by the Geneva Convention. Human rights training would 'ensure Australian defence personnel are aware of their obligation in the full range of possible scenarios they may face'. In terms of the broader impact of such training, the HRCA points out that Australia provides human rights training to the military in the Philippines and other countries and that:

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49 Submission 27, Department of Defence, p.2.

50 Submission 27, Department of Defence, p.5.

Developing an appropriate human rights training programme for the Australian military will have the added advantage of improving our support for existing and new training programmes of military forces in the Asia-Pacific region.<sup>51</sup>

#### **Recommendation 4**

**The Committee recommends that the Department of Defence ensure that pre-deployment training includes a specific human rights education programme, focusing on international human rights law.**

#### **DFAT**

- 3.73 DFAT has been running human rights training courses for its officers since 1995, which are currently conducted by the Castan Centre for Human Rights Law. Since 1997, AusAID has provided nine human rights training sessions for staff, the last two being provided by the ANU's National Centre for Development Studies.<sup>52</sup>
- 3.74 Despite the two examples given above, it was suggested to the Committee that there does not appear to be an appreciation within the broader public service that many public sector functions and duties have human rights implications. Professor Kinley from the Castan Centre for Human Rights Law observed that:
- It does strike me that those in Western democracies—and Australia is no exception—often do not fully appreciate that their agencies are delivering human rights. Housing bureaucrats and those who cover welfare and education are dealing with human rights issues.<sup>53</sup>
- 3.75 The Castan Centre suggests that HREOC and the various state Equal Opportunity Commissions would be the institutions best positioned for analysing the need for further workplace human rights education<sup>54</sup>.
- 3.76 HREOC agreed that it was important that public sector employees receive training on human rights issues, particularly those whose work is affected by obligations under international treaties on human rights. HREOC pointed out that they work in conjunction with the Public Service and

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51 Submission 32, HREOC, p.2.

52 Submission 9, AusAID/DFAT, p.14.

53 Transcript, 12 May 2003, FADT 66.

54 Submission 40, Castan Centre for Human Rights Law, p.9.

Merit Protection Commission (PSMPC) to deliver training to public sector employees conducting investigations<sup>55</sup>.

- 3.77 Similarly, the Human Rights Council of Australia argued that there is an 'urgent need to encourage the bureaucracy at both Federal and State levels to initiate programmes within the various government portfolios.'<sup>56</sup>
- 3.78 In addition, during the Committee's review of immigration detention centres (2003),<sup>57</sup> the issue of adequacy of the human rights training of officers working with unlawful arrivals and asylum seekers was raised, which highlighted the need for a broad approach in promoting human rights education in the Commonwealth public service and associated agencies.
- 3.79 During this review the Committee was advised by ASIO and the AFP that whilst direct human rights training was not provided, training in the legality, propriety and ethical standards required when interacting with the community in a range of situations, including contact with asylum seekers was provided and the principles of human rights were inherent in all training provided.
- 3.80 While the Committee noted that officers are obliged and trained to respect the 'dignity, cultural and religious sensitivities of all individuals within the community' the Committee considered it important that officers should also have a thorough understanding of Australia's obligations under the various human rights treaties to which we are signatory and also its obligations under the Convention relating to the Status of Refugees (1951) and the Protocol relating to the Status of Refugees (1967).
- 3.81 To this end, in its statement on detention centres, the Committee suggested that the relevant ministers should develop in consultation with the Office of the High Commission for Human Rights and the Office of the United Nations High Commission for Refugees, a specific training course for officers dealing with unlawful entrants and asylum seekers.
- 3.82 In the course of this inquiry, the Committee was concerned with ensuring human rights education was provided, or at least made accessible, to those who would not normally come into contact with the debate, such as in the workplace and the broader community. The Committee believes that the effects of diminished human rights and civil rights affect those who are

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55 Submission 37, HREOC, p.4.

56 Submission 32, Human Rights Council of Australia, p.1.

57 *Statement to the Parliament on the JSCFADT Human Rights Sub-Committee's recent activities concerning conditions within immigration detention centres and the treatment of detainees*, Joint Standing Committee on Foreign Affairs, Defence and Trade; 3 October 2003



most powerless in our society and awareness of this is a gap in the current approaches to human rights education.

- 3.83 As discussed in Chapter 2, there has been some debate regarding the usefulness of a public education campaign to raise awareness of human rights. While there was no consensus on the issue, the Committee believes that the information available on the HREOC website relating to human rights in the workplace needs to be more widely promoted to address the perceived high level of 'illiteracy' in regard to human rights in the workplace.
- 3.84 Professor Ife agreed that the broad promotion of human rights is a challenge and suggested that human rights education needs to be brought into 'places where people are, rather than seeing them as somewhere else' and suggested that it is important *how* human rights are taught, particularly in schools. Educating in human rights by example, such as in the way bullying is treated or racial diversity, may be appropriate comparisons.<sup>58</sup>
- 3.85 In particular, and reiterating the Committee's 1992 report, the Committee is concerned that human rights education is more broadly adopted within the Commonwealth public service, given that many of the duties undertaken by public servants have human rights implications. Similarly, it would be expected that State and Territory governments would also act to ensure that broad human rights training is provided to employees, particularly those involved in areas that have direct human rights implications such as policing and social services.
- 3.86 In addition, given the comments by participants at the 2002 *National Strategic Conference on Human Rights Education* that there is a concerning level of illiteracy in the workplace regarding human rights, the Committee believes that the NCHRE should convene a forum focusing specifically on human rights education in the workplace.

### Recommendation 5

**That human rights education be provided to all Commonwealth public sector employees, particularly those whose work is affected by International Human Rights agreements.**

58 Transcript, 3 April 2003, FADT 10.

## Recommendation 6

**The Committee recommends that the NCHRE convene a forum specifically focusing on human rights education in the workplace.**

### Media

- 3.87 A free and active media can promote better governance and educate citizens about good governance and human rights. However, there is a distinction between a free media and one that is free and also responsible and prepared to report fairly and accurately. Chief Justice Malcolm argued that, while Australia has a free media it is important that:
- ...we have not only a free and open media but a responsible media that accurately reports as far as possible matters which are of public importance. For matters related to human rights, we do rely very heavily on the media and how to secure their understanding and cooperation, why certain things are regarded as improper or unfair, the responsibility which they have of ensuring that there are fair and accurate reports of what is happening in a particular country and to acknowledge that progress that has been made.<sup>59</sup>
- 3.88 The 2002 *National Strategic Conference on Human Rights Education* also highlighted the important role of the media in promoting human rights, noting that every topic of public debate can include a human rights context.<sup>60</sup>
- 3.89 Of particular note was the work of SBS in broadcasting a week of human rights programming in 2001. The Committee notes that Mr Tuong Quang Luu, from SBS, is now on the NCHRE giving them a link to the media that was previously lacking.<sup>61</sup>
- 3.90 The Committee is also aware of and supports the human rights print media award presented annually by HREOC.
- 3.91 However, it was also observed by the NCHRE that ‘journalists often miss opportunities to explore the human rights aspects of an issue because of their own lack of knowledge about human rights matters’.<sup>62</sup> This was reinforced by the NCHRE who suggested to the Committee that training

59 Transcript, 3 April 2003, FADT 32.

60 Submission 22, NCHRE, p.32

61 Transcript, 3 April 2003, FADT 34

62 Submission 22, NCHRE, p.32

journalists is a matter of primary importance, although a lack of funding has precluded the NCHRE from taking an active role.<sup>63</sup> In light of issues relating to the teaching of human rights in law schools, it could also be argued that human rights should be part of the core curriculum in journalism and media courses taught in tertiary schools of communication.

### Recommendation 7

**That Committee recommends that funding be provided to the NCHRE to work with professional bodies and tertiary schools of communication to:**

- **develop and implement a specific human rights awareness programme for the media; and**
- **incorporate human rights into the core curriculum of journalism and media courses taught at tertiary schools of communication.**

### Community based initiatives

- 3.92 The 2002 *National Strategic Conference on Human Rights Education* highlighted the importance of community organisations and community action in delivering human rights education.<sup>64</sup> The NCHRE's submission indicates that organisations engaged in human rights advocacy and education should be provided with tax exempt status similar to that granted to environmental institutions.<sup>65</sup>
- 3.93 The Committee was not provided with substantial evidence outlining non-formal community based or focused initiatives for human rights and good governance education. This area merits more attention as part of the Decade for Human Rights Education.
- 3.94 HREOC undertakes community education through a range of mechanisms, including the organisation of promotional events such as the annual Human Rights Awards; hosting conferences and events that promote human rights issues, media engagement by the President and Commissioners with press, radio and television outlets; and community consultations and presentations by Commissioners and staff.<sup>66</sup>

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63 Transcript, 3 April 2003, FADT 33.

64 Submission 22, NCHRE p.34

65 Submission 22, NCHRE, p.6

66 HREOC, Annual Report 2002-03, pp.20-21

- 3.95 One example of a community initiative was provided by Professor Jan Ryan, who described to the Committee the Human Rights City project.

### Human Rights City

- 3.96 Professor Jan Ryan<sup>67</sup> presented to the Committee her work in establishing regional Perth as a participant in the global human rights city programme, which is recognised by the United Nations. Professor Ryan believes that developing a Human Rights City will provide the opportunity for Australia to reflect on its role as a responsible member of the international community.
- 3.97 ‘A Human Rights City’ is described as one in which all its citizens, from policy makers to individual residents, learn about and adhere to human rights obligations. All organisations, public and private, join to investigate ways to implement human rights at all levels of society, developing methodology to ensure that human rights norms and standards bind all decisions, laws, policies, resource allocations and relationships at all levels of decision-making, and serve as the guiding principles by which the community develops its future plans and institutions.<sup>68</sup>
- 3.98 There are currently seven cities in the world that have joined the Human Rights City programme, four of these are in advanced programmes (Rosario, Argentina; Thies, Senegal; Nagpur, India; and Kati, Mali) and three (in the Philippines, Bangladesh and Austria) are in the early stages of developing sustainable human rights.
- 3.99 The suggested steps in creating Perth as a Human Rights City include:
- Local human rights advocates identify all organisations and institutions concerned with the social and economic issues vital to the community.
  - A Steering Committee is established to oversee and facilitate the programme, in effect developing a “training of trainers” programme with, by, and for their constituencies.
  - A research plan is developed which brings together existing data and provides a demographic profile, including data related to excluded and marginalised groups – the ‘State of Regional Perth’.

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67 Convenor, *Human Rights City Programme*. Appearing in a private capacity (Professor Ryan is also on the Human Rights Committee of the United Nations Association of Australia (WA) and the National Committee of Human Rights Education (WA))

68 *Perth: Australasia’s First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children’s Rights Commissioner: Exhibit 11.

- Dialogues, discourse, learning and debate spread throughout the community, with each citizen being requested to play a part in effective human rights advocacy in the community.
  - On-going programmes of Human Rights education.<sup>69</sup>
- 3.100 Professor Ryan indicated that Perth was presently at Stage 1 of the process, and is 'looking at bringing together a whole range of people to whom we would like to talk about what they might see in a human rights city'.<sup>70</sup> Professor Ryan envisages a steering committee will be adopted during the Stage 1 process. At this stage the WA State human rights education committee is taking the responsibility as the interim steering committee.<sup>71</sup> While funding has been a problem, the WA Office of Multicultural Interests has indicated their support.<sup>72</sup>
- 3.101 Professor Ryan indicated that there was a number of negative and positive reasons why Perth was chosen for the Human Rights City Project. On the negative side were issues such as WA being the only state with three immigration detention centres and mandatory sentencing of juvenile offenders. More positively, Professor Ryan said that WA had a very active human rights community.<sup>73</sup> In addition, the relocation of the National Committee for Human Rights Education to Perth, makes the selection of Perth, and this project, both timely and significant.<sup>74</sup>
- 3.102 The stated aims of the project are to: strengthen, change and develop newly defined relationships in the community to promote and protect human rights; to enable citizen involvement and the education of community members to learn about human rights and incorporate human rights into their daily lives.<sup>75</sup> Professor Ryan indicated that, ultimately, changing the culture and mindset was a key goal.<sup>76</sup>

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69 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner. Exhibit 11.

70 Transcript, 3 April 2003, FADT 14.

71 Transcript, 3 April 2003, FADT 16.

72 Transcript, 3 April 2003, FADT 16.

73 Transcript, 3 April 2003, FADT 15.

74 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner. Exhibit 11.

75 *Perth: Australasia's First Human Rights City* document compiled by Associate Professor Jan Ryan and informed by the work of Moira Rayner, former Director, Office of London Children's Rights Commissioner. Exhibit 11.

76 Transcript 3 April 2003, FADT 15.

- 3.103 Professor Ryan also argued that the Perth Human Rights City Project would indicate Australian leadership in regard to human rights education in the Asia-Pacific region.<sup>77</sup>
- 3.104 The Committee discussed the project at length with Professor Ryan, and was impressed by the project's breadth and aims. It appears to be a very complex and ambitious project, which at this point is still in its embryonic stages. While the Committee appreciates the broad community basis of the project, we were concerned that without a lead person or agency to take the project forward there is a risk that interest may wane and the project may stagnate.
- 3.105 The Committee was also concerned that such a project will require benchmarking in order to gauge progress, particularly if funding is being sought from the public sector. While Professor Ryan indicated that funding is a problem, the Committee feels that the localised and unstructured nature of the project precludes consideration of the provision of Commonwealth funding at this time.

## Conclusion

- 3.106 The observations of the Committee lead to the conclusion that there is a need to provide better coordination of human rights and good governance education efforts in Australia. At present, domestic efforts appear to be a collection of worthwhile, yet fragmented programmes that are not well integrated into the core curriculum in Australian schools and universities. For example, the Committee is aware that HREOC did not have a role or input in the *Discovering Democracy* programme, despite being 'very keen to look at it'.<sup>78</sup> There is also a noticeable lack of community based initiatives.
- 3.107 The issue of coordination is in many ways associated with Australia's efforts in meeting the goals of the UN Decade for Human Rights Education, which will be discussed in detail in Chapter 5.

## Regional programmes

- 3.108 As discussed in Chapter 1, good governance and human rights are important regional issues for Australia and are central to Australia's regional foreign and aid policy.

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77 Transcript 3 April 2003, FADT 15.

78 Transcript, 16 May 2003, FADT 98.

- 3.109 The Asia Pacific is a culturally, socially, and politically diverse region. As such, the range of approaches to good governance and human rights education is also diverse. While submissions raised the issue of cultural diversity and the inappropriateness of a 'one-size-fits-all' approach, there were few practical suggestions advanced beyond promoting community participation and being aware of the cultural context of human rights and good governance education initiatives.
- 3.110 This diversity does not mean that ideas developed in one culture have no place in another and that efforts should not be made to arrive at mutually agreeable definitions and frameworks for human rights and good governance education. In reality, a best practice approach may be broadly applicable in other fields of human endeavour.

### The Australian aid programme

- 3.111 Governance is central to the Australian aid programme's goal of poverty reduction and accounts for about 22% of overall aid expenditure. In 2002-03 direct governance expenditure was \$336.6 million, with an additional \$196.3 million indirectly improving governance in partner countries.<sup>79</sup> The recent AusAID report *Papua New Guinea and the Pacific-A development perspective*, reinforced the importance of governance in the region stating that 'the quality of governance has a decisive influence on development, particularly in small, open states with limited economies of scale and opportunities for diversification'.<sup>80</sup>
- 3.112 Australia's efforts to promote achievable good governance and human rights education outcomes are pursued through a number of mechanisms, including bilateral human rights dialogues, the United Nations and its specialised agencies, other international organisations and through the aid programme.
- 3.113 AusAID submits that 'good governance for the aid programme covers the improvement of economic, political and administrative mechanisms through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences'.<sup>81</sup>
- 3.114 AusAID's governance programme aims at improving governance through focusing on four key areas: improving economic and financial

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79 AusAID, *Annual Report 2002-2003*, October 2003, p.18.

80 AusAID, *Papua New Guinea and the Pacific – A development perspective*, September 2003, p.5.

81 Submission 9, AusAID and DFAT, p.6.

management; strengthening law and justice; increasing public sector effectiveness, and; developing civil society and human rights.<sup>82</sup>

3.115 A breakdown of expenditure within AusAID's governance programme for 2001-02 is provided in the table below.

**Table 1 Australian Aid Activities that Directly Support Human Rights and Good Governance in the Asia Pacific Region, 2001-02\***

	<b>Expenses 2001-02 (\$'000)**</b>	<b>% of total</b>
Civil Society and Human Rights	106,208	45
Public Sector Reform	89,170	37
Legal and Judicial Development	23,370	10
Other Governance	18,400	8
<b>Total Human Rights and Governance</b>	<b>237,148</b>	<b>100</b>

\* In accordance with the TORs for this Inquiry, this table does not include activities listed under the Governance subcategory of Economic Management.

\*\* Finalised figures for 2001/2002.

Source AusAID, submission 41

3.116 As stated by AusAID, the aid programme promotes human rights primarily through support for effective governance. However, the aid programme includes a dedicated global human rights programme, encompassing:

- The Human Rights Fund (\$1.3 million in 2002-03)
  - ⇒ Asia Pacific Forum of National Human Rights Institutions
  - ⇒ UN High Commissioner for Human Rights
  - ⇒ Human Rights Small Grants Scheme
- The Centre for Democratic Institutions (\$6 million over six years)<sup>83</sup>

3.117 AusAID reported that, in recognition of the important work of the Asia Pacific Forum, funding in 2001-02 was doubled to \$500,000 (drawn from the Human Rights Fund).<sup>84</sup>

3.118 Australia also makes significant contributions to regional and international organisations and agencies that undertake assistance in the

82 *Australia's Overseas Aid Program 2002-03*, Statement by the Hon. Alexander Downer, Minister for Foreign Affairs, AusAID, 2002.

83 Submission 9, AusAID and DFAT, p.9.

84 Submission 9, AusAID and DFAT, p.9.



areas of governance and human rights. Australia's contributions to multilateral organisations in 2002-2003 included:<sup>85</sup>

- \$69.2 million in contributions to UN development and humanitarian agencies;
- \$12.2 million to organisations from other Commonwealth countries;
- cash contribution of \$135.1 million to the International Development Association (IDA) of the World Bank and \$540 000 to the Heavily Indebted Poor Countries Initiative; and
- Cash contribution of \$91.4 million to the Asian Development Fund, the concessional loan facility of the Asian Development Bank.

3.119 The programmes undertaken by these organisations are described in more detail in Chapter 4.

3.120 As indicated above, in most cases the issue of human rights is incorporated into the overall governance programme. Most aid programmes, including governance, either directly or indirectly impact on human rights. AusAID argued that the aid programme's support for good governance in developing countries strengthens the capacity, and climate, for the realisation of all rights,<sup>86</sup> explaining that:

...if you look at direct support for human rights training—human rights instruments, the support we give to the Asia-Pacific Forum, the support we give to the Human Rights Small Grants Scheme, as well as elements of some of our bilateral activities—it is a smaller subset of a much broader program of assistance that we give to good governance, which is education which actually tries to address in an indirect way, and create the environment for, the improvement and advancement of human rights, whether it be in law and justice, economic and financial management or the development of civil society.<sup>87</sup>

3.121 The Committee notes that the submissions to the inquiry highlight an enormous range of activities in the region being undertaken by Commonwealth and State government agencies (such as the House of Representatives<sup>88</sup>, HREOC<sup>89</sup> and NSW Attorney General<sup>90</sup>), statutory

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85 AusAID, *Annual Report 2002-2003*, October 2002, pp.68-70.

86 Submission 9, AusAID and DFAT, p.7.

87 Transcript 12 May, FADT 51.

88 Submission 7, The Speaker of the House of Representatives

89 Submission 21, HREOC

90 Submission 4, NSW Attorney General

bodies, and private sector and not for profit organisations. AusAID is the primary agency through which Australia delivers the aid programme. Most, if not all, of the programmes described in the submissions are funded by AusAID and delivered through the AusAID framework, with organisations providing the necessary expertise. As such, a detailed description of all the projects is beyond the scope of this report.

- 3.122 The following examples (paragraph 3.122 to 3.137) provided by AusAID<sup>91</sup> give an idea of the breadth of activities being undertaken in respect to human rights and good governance education in the Asia Pacific. A full list of governance and human rights projects for 2001-02 (excluding those in the economic and finance sector) is reproduced at Appendix F.

#### Legal Reform and Civil Society

- 3.123 *Papua New Guinea:* Australian assistance is helping improve the operation of the constabulary's internal discipline system. Support includes training on ethical conduct and behaviour, counselling, cautioning, informal punishment, suspensions from duty and disciplinary offences. Human rights and accountability training has been introduced to courses provided through the Police Training College.
- 3.124 *China:* The Human Rights Technical Cooperation Programme (HRTC) is an integral part of the Government's human rights policy towards China. The programme supports the protection, promotion and administration of human rights in China in areas such as women's and children's rights, legal reform, and ethnic and minority rights. Activities include training for government officials on reporting requirements under the International Covenant on Economic, Social and Cultural Rights, a Rules of Evidence workshop for Supreme People's Court judges, a train-the-trainers programme for prison officers, workshops on the criminal prosecution process, police ethics training, and awareness raising of women's rights issues such as domestic violence and trafficking of women. Australia also engages Chinese authorities in a continuing bilateral dialogue on human rights, as discussed in more detail later in this chapter (page 66).
- 3.125 *East Timor:* Australia is supporting legal sector activities that include education about human rights and good governance. These include support to the Commission for Reception, Truth and Reconciliation; assistance to promote the development of a fair justice system; and community training about legal and human rights and responsibilities.

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91 Submission 9, AusAID & DFAT, pp.10-14.

- 3.126 *Indonesia*: Several projects in Indonesia focusing on the legal system have an important educational component. The Legal Reform Programme Facility is promoting the development of functional, transparent, accountable and competent legal institutions. Activities include funding the placement of a human rights adviser in Indonesia's Directorate-General Human Rights (DGHR), and support for the production of Citizen's Rights publications by an Indonesian legal NGO. Australia has provided Supreme Court judges with training on human rights, class actions, and the protection of witnesses. Australia has also funded international human rights law training for judges from Indonesia's Ad Hoc Human Rights Tribunals.
- 3.127 Australian support for Indonesia's National Human Rights Commission (Komnas HAM) has helped it to develop modern management practices and protect and promote human rights. Activities have included training in investigation techniques; development of complaints procedures; training in the conduct of national inquiries; training for investigations into gross violations of human rights; and the placement of a public affairs/education adviser in Komnas HAM. Another project has provided training on human rights via workshops for Ministry of Justice and Human Rights officials, judges, civil society advocates, local government officials, community leaders, TNI officers, university lecturers, and police officers.
- 3.128 *Bougainville*: the Strengthening Communities for Peace Project, completed in March 2002, contributed to the restoration of peace between individuals, families, clans and communities by promoting non-violence and women's rights, including through legal advice for victims of violence, and a regular radio programme disseminating information about women's rights.
- 3.129 *Burma*: Since mid-2000, Australia's Human Rights Training Initiative has sponsored a series of human rights workshops for mid-level government officials and community representatives. Australia has also provided support for Judicial Administration and Reform training for Burmese judges.
- 3.130 *Electoral Assistance*: Free and fair elections are a fundamental aspect of democratic government. Through the Electoral Assistance to the Pacific project and the PNG Electoral Commission Project, Australia is building regional countries' electoral capacities. In 2002, senior electoral officers from 19 Pacific island countries attended a workshop organised by the Australian Electoral Commission and established an information exchange network. Australia has also supported the development of an Electronic

Voter Registration System in the Federated States of Micronesia; and assisted with Fiji's and the Solomon Island's 2001 democratic elections - including voter registration, training of election officials, and voter awareness campaigns. Similar assistance was provided to PNG.

### Women

3.131 The human rights of women are integral to Australia's development approach. Activities that educate women about their rights are prioritised in the aid programme, particularly in respect to violence and post-conflict situations. Gender considerations are also mainstreamed into all projects. Examples of activities that educate women about their human rights include:

- training of female legal counsellors in Pakistan;
- human rights training for officers of women's police cells in New Delhi, India; and
- support through the Pacific Commission to promote Pacific Islands' ratification of, and reporting on, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

3.132 Violence remains a common violation of women's rights. Australian support to the Fiji Women's Crisis Centre (FWCC), which began in 1990, is an important example of support for this aspect of women's rights. As the Secretariat of the Pacific Women's Network Against Violence Against Women, the FWCC combats domestic violence in the region by coordinating the services and advocacy of 24 agencies across 11 Pacific Island states. Australia also assists the Vanuatu Women's Centre's counselling, education and legal advisory services, which women on outlying islands have access to through the Centre's 14 mobile clinics.

### HIV/Aids

3.133 The Asia Pacific region is facing a serious HIV/AIDS epidemic, with approximately 7.5 million people currently infected, and more than 1 million new infections recorded in 2001 alone. The Government recognises that education about the need to respect the human rights of people living with HIV/AIDS is an important element of any comprehensive response to the epidemic.

3.134 Regionally, Australia has played a lead role in the response to HIV/AIDS and particularly in the establishment of the Asia-Pacific Leadership Forum (APLF). The APLF will educate leaders on the impact of HIV/AIDS and the characteristics of effective responses, including respect for human

rights. A number of other donors, including the UK, Japan, and New Zealand have added their financial support to the UNAIDS-managed APLF Secretariat, with the EU expected to provide support shortly.

- 3.135 Australian-funded activities that assist countries in responding to the HIV/AIDS epidemic address human rights in a number of ways. Several projects (for example, in China and Southeast Asia) focus on marginalised groups that are often discriminated against, such as intravenous drug users and sex workers. Others assist the development and implementation of strategies to respond to the epidemic - including the need to recognise and respect human rights. Australia assisted the PNG Government, for example, to develop HIV/AIDS Management and Prevention legislation, which protects the rights of people affected by HIV/AIDS.
- 3.136 A Guide to HIV/AIDS and Development has been developed by AusAID to assist project designers, managers and implementers on HIV/AIDS projects. It promotes human rights in all Australian-funded HIV/AIDS projects.

#### Media

- 3.137 A free and active media can promote better governance and educate citizens about good governance and human rights. Since 1996, Australian support for the Pacific Media Initiative project has helped to strengthen the Pacific's media. *Time to Talk*, a regional Pacific project focuses directly on good governance and human rights education. A thirteen part radio series about politics, society and governance in the Pacific; *Time to Talk* features prominent politicians, church leaders, leading women, and grassroots workers.

#### People Trafficking

- 3.138 The trafficking of women and children for sexual or labour exploitation is a serious problem confronting many developing countries, particularly those in the Mekong subregion - Cambodia, southwest China, Lao PDR, Myanmar, Thailand and Vietnam. Again, human rights and good governance education is an important part of any strategy to address this issue. To this end, Australia is supporting four current activities and one at the design stage aimed at countering people trafficking through both preventative and policing measures. Preventative measures include raising awareness about trafficking among people vulnerable to trafficking, activists, tourism industry employees, legislators and policymakers. Supporting policing measures through building the capacity of officials and organisations involved in apprehending and charging traffickers also relies on education activities.

## Government level initiatives

- 3.139 Apart from the bilateral aid projects described above, the Government engages in the promotion of good governance through a range of other mechanisms.

## Human Rights and Equal Opportunities Commission

- 3.140 Although the Human Rights and Equal Opportunities Commission's mandate is primarily domestic, it undertakes a limited range of regional and international initiatives to promote human rights and good governance. Most of the activities take the form of technical cooperation aimed at the transfer of knowledge and expertise, usually as part of the Australian aid programme. HREOC has undertaken work in China (with the Australia-China Human Rights Technical Cooperation Programme, and as a participant in the human rights dialogues), Indonesia (with the Indonesian National Human Rights Commission) and South Africa. Smaller scale projects have been undertaken in Uganda and Fiji.<sup>92</sup>

## Pacific Island Forum

- 3.141 In the Pacific, the Australian government is working cooperatively with the governments of NZ and the US, and the Pacific Forum Secretariat (FORSEC) in assisting Forum Island Countries to develop legislation to implement the Nasonini Declaration on regional security. This declaration uses good governance practices at all levels as a key strategy for addressing some of the issues underlying the tension and conflict in the region.<sup>93</sup>

## Bilateral Human Rights Dialogues

- 3.142 The Government's preferred approach to pursuing human rights policy is through 'constructive, cooperative dialogue, linked to practical technical assistance'. It is argued that this approach is more effective than 'megaphone diplomacy' in bringing about real change.<sup>94</sup>
- 3.143 Formal bilateral human rights dialogues have been occurring between Australia and China since 1997. The most recent dialogue with China was in July 2003<sup>95</sup>. Similar dialogues with Vietnam and Iran are in their initial

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92 Submission 21, HREOC, p.15-19

93 Submission 9, AusAID & DFAT, p.3.

94 Submission 9, AusAID & DFAT, p.3.

95 Submission 44, Attorney-General's Department, p.5.

stages only. The government also engages in informal dialogues, such as in Australia's human rights initiative in Burma.

- 3.144 A key question for the Committee was whether human rights education should be an integral element of the human rights dialogues. HREOC feels that in an academic sense there may be some advantage in making human rights education an agenda item in such dialogues, in that it could further sensitise the dialogue partners to the need to embed human rights principles in a systematic way. On the other hand, in a more practical sense, given that countries are nearly as sensitive about their educational curricula as they are about human rights, it could add a complication without leading to practical impact beyond what is already being achieved. HREOC suggested that the lack of a formal agenda item does not prevent discussion of the issues, should either party be inclined.<sup>96</sup>
- 3.145 HREOC feels that in the case of China it seems clear that the technical cooperation programme has no difficulty dealing with human rights education. The programme has had a positive impact on human rights education in China even though there is no formal dialogue agenda item dealing with human rights education. Should the dialogues with Vietnam and Iran proceed on a similar path HREOC expects that technical cooperation could deal with human rights education even in the absence of a dialogue agenda item at the political level<sup>97</sup>. NCHRE also highlighted China as an example where human rights education has been successful in promoting human rights.<sup>98</sup>
- 3.146 The NCHRE maintains specifically that human rights education should be included as a specific agenda item for bilateral human rights dialogues. Further, NCHRE recommends that in measuring progress of human rights dialogues, consideration be given to the extent to which human rights education has been advanced within the territory of the dialogue partner.<sup>99</sup>
- 3.147 Castan Centre argues that human rights education is an important component of bilateral human rights dialogues for both parties concerned. Ensuring that both sides have knowledge of international human rights obligations helps bring human rights concerns closer to the centre of bilateral dialogue.<sup>100</sup>

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96 Submission 37, HREOC, p.4.

97 Submission 37, HREOC, p.4.

98 Submission 22, NCHRE, p.12.

99 Submission 22, NCHRE, pp.16-17.

100 Submission 40, Castan Centre, p.5.

- 3.148 The Committee is very interested in the bilateral human rights dialogue process, with a number of members having participated in previous dialogues. By including human rights and good governance education as integral elements of the dialogues, it may be able to measure the extent that the understanding of, and adherence to, human rights have extended within the territory of the dialogue partner.

### **Centre for Democratic Institutions**

- 3.149 The Centre for Democratic Institutions (CDI) was established as an Australian Government initiative and receives its core funding through AusAID. Its geographic focus is the Asia-Pacific region. CDI focuses on the parliamentary process and the judicial process, and works with Australian institutions to provide support through information exchange, training, placements and networking. CDI's core work is governance training through short, intensive courses for high level officials from developing countries.
- 3.150 In 2002-03, AusAID provided 1086 days of training to 239 participants from the Asia Pacific on parliamentary and judicial processes and democratic governance through CDI.<sup>101</sup>
- 3.151 Of particular note is CDI's Workshop on Teaching Human Rights, which took place in Bangkok in August 2000. CDI submit that the workshop may provide a model for further 'train-the-trainers' approaches to teaching human rights in the region.<sup>102</sup>
- 3.152 The Committee has met with a number of CDI sponsored delegations to discuss the work of the Committee and of the Australian parliament.

### **Asia Pacific Forum of Human Rights Institutions**

- 3.153 Australia is a member of the Asia Pacific Forum of Human Rights Institutions (through HREOC). This is discussed in more detail in Chapter 4.

### **Non government organisations**

#### **Diplomacy Training Programme**

- 3.154 The Diplomacy Training Programme (DTP) is an independent, non-government organisation providing human rights education, which seeks
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101 AusAID *Annual Report 2002-03*, Canberra, 2003, p20.

102 Submission 3, Centre for Democratic Institutions, p.39



to advance human rights and empower civil society in the Asia Pacific region through quality education and training, and the building of skills and capacities in non-government organisations. It is solely an educational institution, has no sectarian or political affiliations, and is not an advocacy organisation.

- 3.155 The DTP was founded in 1989 by Professor Jose Ramos-Horta, 1996 Nobel Peace Laureate and representative of East Timor at the UN for more than fifteen years. The DTP is affiliated with the University of NSW, through the Faculty of Law, which provides academic support and direction

The DTP is not an advocacy organisation, does not promote specific issues or take a stand on specific issues, but rather it provides skills and information to people in the Asia Pacific for them to work within their own countries to promote human rights and good governance. The Program covers the relevant international human rights law, UN mechanisms and how to access the UN, as well as the skills of strategic advocacy, and using the media and the internet for human rights research and advocacy. Knowledge of the international human rights system is taught as a means to ensure its operation locally in the various countries represented in the trainings.<sup>103</sup>

### Castan Centre for Human Rights Law

- 3.156 The Castan Centre for Human Rights Law was established in 2000 under a grant from the Monash Law School Foundation to meet the need for, and interest in, the study of human rights law, globally, regionally and in Australia. Of particular relevance to this inquiry is the Centre's previous and ongoing consultancy work in human rights education in the Asia Pacific region, as well as upcoming projects with direct relevance to human rights and good governance education in the region.
- 3.157 Examples of Castan Centre human rights education projects include<sup>104</sup>:
- a human rights and international law training program in Burma;
  - "Human Rights in Australia" short courses for Indonesian officials; and
  - international human rights workshops for officials from Australia's Department of Foreign Affairs and Trade.

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103 Submission 13, Diplomacy Training Program, p.2

104 Submission 12, Castan Centre, Appendix 1

## Issues

3.158 A range of issues pertinent to regional efforts was raised in the evidence received by the Committee, indicating the complexity of the subject of human rights and good governance education. While there was a certain level of consistency in the issues, they often reflected particular interests of the respective organisation. The primary concern of this section is to highlight obstacles or issues of concern to good governance and human rights education in the region, particularly as they relate to Australia's bilateral and multilateral aid efforts.

### Delivery of projects and project design

3.159 The design and delivery of human rights and good governance education programmes attracted considerable attention in the evidence received by the Committee.

3.160 Given their broad experience in promoting democracy and delivering governance and human rights programmes, CDI made a number of recommendations aimed at linking the promotion of democracy and human rights and that Australian projects should aim to strengthen the capacity of institutions and individuals in regional countries to deliver human rights training.<sup>105</sup>

3.161 The NSW Attorney General provided details of the Vanuatu Legal Sector Strengthening Programme that the NSW Attorney Generals Department is managing on behalf of AusAID. The programme promotes good governance in the public legal sector. The obstacles identified in delivering this project in many ways may be seen as indicative for governance programmes in the region, including:

- Difficult geography
- Shortage of senior local lawyers who can act as leaders in the public sector and the profession
- Lack of professional regulation
- Economic factors which lead to Government vacancies remaining unfilled such as low salaries, lack of legal resources, shortage of equipment and resources for the public legal sector
- The interaction between customary and western law<sup>106</sup>

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105 Submission 3, Centre for Democratic Institutions, p.8.

106 Submission 4, NSW Attorney General, pp.5-6.

- 3.162 A number of specific issues related to the way projects are designed and delivered were raised during the course of the inquiry, including the focus of projects, the need for tangible outcomes, design, the assessment of projects, country strategies and institutional strengthening.

*Human rights and good governance education to all levels of society*

- 3.163 A recurrent theme in submissions was that current programmes are too focused on government and the public sector, and that there is a need to provide human rights and good governance education to all levels of society, from government officials to civil society groups and communities.<sup>107</sup> In practical terms, the Castan Centre claims that in developing countries in the Asia Pacific region, the provision of human rights education to key decision makers within governments and local NGOs is a vital precondition if the realisation of human rights is to become a reality.<sup>108</sup>
- 3.164 While recognising that the training of government officials is important in building the capacity of a government to realise the rights of a country's citizens, UNICEF argues that:
- ...it needs to be recognised that good governance is not just about accountability and participation of *governments*, but is also about the accountability and capacity of *local communities*.<sup>109</sup>
- 3.165 UNICEF suggested that the human rights and good governance education programmes should be extended to communities, and to assist communities in the realisation of their rights.<sup>110</sup>
- 3.166 Australian Volunteers International maintained that the concepts of good governance and democratisation are not synonymous. Good governance is essentially about building a government's responsiveness to the needs of the people, and there are persuasive arguments that suggest that true accountability in government can only be built from the local level upwards. AVI contends that it is therefore vital that education be provided at all levels of community, and that local initiatives be supported.<sup>111</sup>

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107 Submission 16, UNICEF Australia, pp.4-5; Submission 25, Australian Volunteers International, p.2; and Transcript, 16 May 2003, FADT 127 and 137.

108 Submission 12: Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, p.9.

109 Submission 16, UNICEF Australia, p.7.

110 Submission 16, UNICEF Australia, p.7.

111 Submission 25, Australian Volunteers International, p.3.

*Tangible outcomes*

- 3.167 UNICEF maintained that human rights and good governance education has to be linked to tangible outcomes otherwise there is a risk that human rights and good governance principles will be seen as “ineffective rhetoric”. For example, if families and communities are being educated about the child’s right to a name and nationality, a programme facilitating birth registration would provide a tangible connection. Similarly, ALHR argued that education needed to be given a ‘very practical focus’.<sup>112</sup>
- 3.168 A number of submissions also underlined the need for Australia to adopt a human rights based approach to development.<sup>113</sup> In this regard, UNICEF asserted that Australia’s approach to human rights and good governance education has been ‘ad-hoc’ citing the example of AusAID adopting a rights-based approach to providing human rights training in Burma but not replicating that approach across the region. As such, UNICEF maintains that the Australian Government should develop a clear policy in terms of its objectives and desired outcomes in relation to human rights and good governance education.<sup>114</sup>
- 3.169 In terms of Australia’s approach to human rights and good governance education being ad hoc, it may be argued that the approach adopted for Burma may not be the appropriate approach in other countries. The Committee agrees with the suggestion that human rights and good governance education programmes need to be linked to tangible outcomes, and recognises that many governance projects have what may be identified as human rights outcomes. However, the Committee would like to see clear evidence of explicitly linking human rights and good governance education initiatives to tangible outcomes.
- 3.170 This raises the question for the Committee of how human rights and good governance education programmes are assessed, given their complexity, noting that they do not necessarily fit into any easily quantifiable model. In terms of assessing good governance and human rights activities in the region, ACFOA believes activities should be tested against the following criteria with regard to the extent to which activities:
- foster political systems which provide opportunities for all people to influence government policy and practice;
  - ensure equitable and universal provision of basic services (including education);
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112 Transcript 16 May 2003, FADT 137.

113 Submission 16, UNICEF Australia, p.8; Submission 23, ACFOA, p.12.

114 Submission 16, UNICEF Australia, p.8.

- ensure personal safety and security with access to justice for all;
  - provide a stable environment that encourages investment and pro-poor economic growth; and
  - develop transparent and accountable government that combats corruption.<sup>115</sup>
- 3.171 The Committee accepts the thrust of ACFOA's suggestion, but also recognises that the lack of an accepted definition of good governance makes assessing such programmes difficult. In its review of AusAID's 2001-02 Annual Report, the Committee recognised that assessing aid quality is complex and that forces and events beyond AusAID's control may impact on the effectiveness of the aid programme. Nevertheless, the Committee was satisfied that AusAID programmes actively promote effective governance and have efficient self-evaluation practices and mechanisms that support ongoing improvement.

#### *Project design*

- 3.172 It was clear from the evidence that human rights and good governance education programmes are inherently different from other development assistance in that the outcomes cannot easily be prescribed. Human rights and good governance education is an 'inherently delicate, long term process and not conducive to predicting immediate outcomes'.<sup>116</sup>
- 3.173 As such, the Castan Centre argued that 'limited blueprint' or one-size-fits-all projects are not suited to human rights and good governance education. Rather than being restricted to stand-alone programmes, human rights and good governance education should be incorporated through all aspects of development assistance. As indicated above, human rights and good governance education should be across all sections of society, which requires a move away from 'blueprint' models to a 'phased' approach which seeks to develop rather than pre-empt objectives, outcomes and indicators and places the poor and marginalised at the centre of human rights and good governance education programmes. This approach, it is argued, addresses the supply of governance programmes with the demand for such programmes from within recipient communities, civic groups and governments.<sup>117</sup>
- 3.174 In terms of project design, it may not be possible to merely integrate human rights and good governance education into current projects and

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115 Submission 23, ACFOA, p.10

116 Submission 12, Castan Centre, p.1.

117 Submission 12, Castan Centre, p.8; Submission 34, ACFOA, p.5.

programmes. For example, ALHR advised that incorporating human rights and good governance education in basic education projects may require a comprehensive discussion about human rights education project and/or curriculum design, raising education design questions of target audience, intended outcomes and available resources.<sup>118</sup>

- 3.175 The Diplomacy Training Programme states that the concept of ‘governance’ continues to lack clear or universal definition or standards, which makes the effectiveness of programmes hard to measure. In addition, while it is clear that good governance and human rights are intimately linked, the Diplomacy Training Programme voices the concern that the relationship between governance and human rights is rarely explicit in the strategies and objectives of governance programmes or projects. Instead of forming an integral component, human rights is very often seen as a small add-on within governance and aid programmes. The DTP suggests governance programmes be re-designed so that the human rights objectives are negotiated with partners and made explicit and time-bound so that strategies can be more effectively evaluated.<sup>119</sup> This is an important observation in light of AusAID’s view that the aid programme promotes human rights primarily through support for effective governance.
- 3.176 In contrast, the APF feels there is not an urgent need to redirect or redesign governance programmes but rather an increase in the overall capacity of the organisations to be able to respond more effectively and in a sustained way is needed.<sup>120</sup>
- 3.177 Some submissions contend that the ‘education’ aspect of the Government’s governance and human rights assistance is not given enough priority. ACFOA believes that ‘whilst much is written in policy terms about “human rights” in the Australian Government’s good governance agenda there is little practical support that translates into implementation of human rights principles’.<sup>121</sup> The CDI suggests that one means of strengthening capacity building programmes for good governance, many of which already incorporate human rights training, would be to set an informal quota with 30% of activities undertaken through the Human Rights Fund to be directed at human rights education.<sup>122</sup>

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118 Submission 36, Australian Lawyers for Human Rights, p.2.

119 Submission 35, Diplomacy Training Program, p.3.

120 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.6.

121 Submission 23, ACFOA, p.12.

122 Submission 38, Centre for Democratic Institutions, p.1.

*Country Strategies*

- 3.178 AausAID prepares country strategies for all major country programmes. They are based on partnerships with developing countries and indicate how Australia's aid programme can best reduce poverty and contribute to sustainable development in that country.
- 3.179 The Diplomacy Training Programme argues that, while discrete programmes are valuable, given the importance of human rights education to all sections of a society, human rights education programmes should be integrated into AusAID's country strategy processes and programmes. DTP argues that the process of developing bilateral development strategies and the development and implementation of development projects offer a lot of opportunities to build human rights awareness.<sup>123</sup>

*Institutional strengthening and capacity building*

- 3.180 A key consideration highlighted in the evidence is that human rights and good governance education is not just about delivering programmes. Given the arguments relating to the need for local ownership and community participation, it is central to the success of any programme that organisations have the capacity, in terms of infrastructure, to apply what they have learnt.
- 3.181 ALHR asserted that institutional strengthening, both government and civil society, is a precursor to the realisation of human rights. ALHR observed that, in the case of Indonesia, many international donor governments were rushing to give aid and to give organisations human rights projects to implement, with no thought of the institutional capacity of these organisations to carry out the programmes. This is cited as a major obstacle to any successful outcomes. In ALHR's experience:
- ...these organisations were in buildings where the roof leaked and they were in danger of electrocuting themselves on the electrical equipment. They had computers that could not be networked and which would break down...so they would go to human rights training where very eminent professors and professionals in human rights education would teach them about international conventions and they would go back to their leaking offices and be entirely incapable of implementing that work.<sup>124</sup>

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123 Transcript, 16 May 2003, FADT 117.

124 Transcript, 16 May 2003, FADT 135.

- 3.182 Another aspect of institutional strengthening is the provision of adequate training to government and non-government staff in both human rights and good governance education. In practical terms, the Castan Centre claims that in developing countries in the Asia Pacific region, the provision of human rights education to key decision makers within governments and local NGOs is a vital precondition if the realisation of human rights is to become a reality.<sup>125</sup>
- 3.183 HREOC outlined its extensive training programme, which focuses on practical issues such as domestic violence, police conduct, prison management and investigation techniques, with efforts made to ensure that the activities are firmly grounded in human rights principles as established under international law. HREOC argues that this human rights aspect is what distinguishes their training programmes from training provided by agencies that focus on economic management or other dimensions of similar subject matter.<sup>126</sup>
- 3.184 The Committee believes that training should aim at enabling local people to conduct further training themselves in order to pass on knowledge and experience. They should not be trained only in human rights and good governance, but how to effectively design and implement human rights and good governance education programmes themselves.
- 3.185 While much of AusAID's assistance is directed towards institutional strengthening, in certain sectors such as law and order, there appeared to be need for further work in this area, particularly at the fundamental level of providing basic infrastructure. Human rights and good governance awareness cannot be exercised without access to basic things such as equipment, accommodation and other materials (such as stationary). It is no good providing human rights and good governance education without also providing the means to exercise what has been learnt.

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125 Submission 12, Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, p.9.

126 Submission 21, HREOC, p.16.



**Recommendation 8**

**That AusAID, in its provision of aid both directly and through contractors, provides an increased focus on institutional strengthening and capacity building of regional human rights education organisations, particularly in regard to basic infrastructure.**

**Recommendation 9**

**That AusAID quantify the current level of human rights and good governance education training for government officials and NGO representatives, and increase efforts to provide training in this area.**

**Basic Education**

- 3.186 The importance of providing adequate basic education was identified in a number of submissions as being a key issue in the delivery of human rights and good governance education. The critical role of basic education in the development process is widely accepted.
- 3.187 AusAID recognises the importance of basic education in reducing poverty and achieving sustainable development. In 2002-03, the Australian aid programme provided \$246.8 million direct funding for education activities, with another \$67.8 million being spent in other sectors that benefited the education sector. Improved education accounted for 16% of the direct expenditure for education.<sup>127</sup>
- 3.188 However, ACFOA suggested that not enough was being done in respect of basic education, particularly in regard to the relationship between human rights and good governance education.
- 3.189 ACFOA argued that effective and sustainable progress in good governance and human rights can only be built on investment in basic education. There is an underlying assumption that progress in human rights and good governance education is only possible with an educated and informed public, and so basic education is an essential element.<sup>128</sup>

One of the best ways to enable poor and marginalised communities to have a voice in government and to stand up for their rights is to invest in basic education. It provides the basis for

127 AusAID, Annual Report 2002-03, p.21.

128 Submission 23, ACFOA, p.10.

informed consent and informed choices built in three particular ways: firstly, to understand how government works and how ordinary people can have a voice; secondly, the ability to seek and gain information and assess it for its relevance and importance; and, thirdly, the confidence to be able to engage in the system.<sup>129</sup>

- 3.190 ACFOA provided an example to support their argument. They described a project in Bangladesh that focused on providing basic literacy and writing skills, and training in governance issues such as decision making, problem solving, accountability and transparency, to illiterate impoverished women. Eventually, they formed a committee, and the women were able to articulate a range of grievances to the Government leading to significant improvements such as the installation of water, electricity and sewerage and the establishment of a school. One woman is reportedly considering running for election at district government level.<sup>130</sup>
- 3.191 ACFOA argued that a well developed and informed civil society is central to good governance and respect for human rights. ACFOA highlighted that while Australia provides considerable assistance to good governance programmes in areas such as institutional strengthening for law and order, public sector reform and economic capacity building, less assistance is directed towards the role of civil society in human rights and good governance education and, importantly, basic education. In this respect, ACFOA acknowledges the benefit of focusing on bilateral relations with recipient governments, but suggests that the Australian government prioritises within its good governance agenda increased access to culturally and socially relevant basic education as a means towards enabling greater involvement of civil society in the decision making process.<sup>131</sup>
- 3.192 AVI also argue that it is crucial that basic educational needs are met, which requires a deep understanding of the cultural assumptions and imperatives that operate in the region.<sup>132</sup>

*English language and information technology (IT) training*

- 3.193 Associated issues to basic education include the provision of English language and information technology training. Australian Lawyers for Human Rights argued that 'English language and computer systems have

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129 Transcript, 12 May 2003, FADT 79.

130 Transcript, 12 May 2003, FADT 84.

131 Submission 23, ACFOA, pp. 11-12.

132 Submission 25, Australian Volunteers International, p.3.

been the two most revolutionary things to happen in the last decade in relation to human rights'.<sup>133</sup>

- 3.194 The Committee noted the value of English language skills, but considered that local languages, rather than English, are more appropriate and effective for the delivery of human rights and good governance education. ALHR agreed with this viewpoint but added that in their experience the ability to understand English improves access to a range of human rights and good governance tools. They noted that most assistance programmes are delivered in English, that most internet sites and information on human rights is in English, and most human rights NGOs dealt in English. Similarly, most key aid donors use English and that it was more practical for communities to learn one language—English—than for donor bodies to learn myriad local languages. ALHR asserted that in practical terms, 'those who speak better English get more money'.<sup>134</sup>
- 3.195 In fact, what is apparent is that NGOs are rarely able to provide programmes in local languages, notwithstanding the cultural importance and value of engagement in local languages.
- 3.196 The use of IT was also raised in relation to human rights and good governance education. ALHR submitted that, in addition to English language training, if local people are 'able to access the internet and send an email they also have a much higher chance of being part of a human rights enforcement process'.<sup>135</sup>
- 3.197 The Committee is aware of, and supports, the government's Virtual Colombo Plan, which was launched in 2001. The Virtual Colombo Plan is a joint initiative between Australia and the World Bank to improve the access of developing countries to knowledge and information through new information technologies. Australia has committed \$200 million to the project. Additionally, AusAID submitted that in 2002 over 300 students annually were studying in Australia under the Australian Development Scholarship Scheme in disciplines relating to information and communication technologies and that these students and their knowledge will be useful human resources when they return to their home countries.<sup>136</sup>
- 3.198 HREOC suggested that their website has had an international impact, citing the example of being informed by the Iranian Islamic Human Rights

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133 Transcript, 16 May 2003, FADT 136.

134 Transcript, 16 May 2003, FADT 143.

135 Transcript, 16 May 2003, FADT 136.

136 Submission 41, AusAID, pp.1-2.

Commission that they examined HREOC's website daily and any new information was circulated to members of their commission.<sup>137</sup>

- 3.199 However, IT should not be seen as a panacea for delivering human rights and good governance education in the region. Access to IT technology is limited, which therefore limits the usefulness of IT in promoting human rights and good governance. Given the huge amount of information that is available on the internet, lack of access to the internet in the region is a problem. Another problem is in developed countries assuming that IT-related technology is understood in a consistent way across the region. ACFOA pointed out this danger:

We do not want to say, 'We're used to the technology. We can see how it works.' When you are talking about a rural community in Bangladesh or Gizo in the Solomon Islands, to what extent are they familiar with all this? What does it mean to them?<sup>138</sup>

- 3.200 The ability to communicate in English is clearly an important factor in negotiating human rights and good governance issues and accessing assistance. The Committee accepts this argument but also believes that local languages cannot be ignored or discounted. The ability to use local languages promotes local ownership of programmes and processes, which is an important part of the overall development process. In an ideal world, a balance between English and local languages would be struck.
- 3.201 Similarly, the Committee believes that IT and the internet have a role to play in delivering human rights and good governance information and education. The internet in particular offers opportunities for the free exchange of information that may not be possible in other media. However, the Committee is cognisant that accessibility is limited, as is training, and that IT cannot be seen as a panacea. It is better viewed as a useful tool alongside other delivery mechanisms. That being said, the Committee sees scope for Australia to work towards improving IT access and training.
- 3.202 The Committee recognises the importance of basic education in any long term approach to human rights and good governance education. It is the next generation that, hopefully, will grow up to question bad governance and have an understanding of their human rights. This can only happen through basic education. While the Committee is cognisant that a country's education curriculum is a delicate matter, it should be possible

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137 Transcript, 16 May 2003, FADT 88

138 Transcript, 12 May 2003, FADT 85

to infuse education assistance with human rights and good governance principles in a culturally sensitive way.

### Recommendation 10

**That AusAID ensures that access to culturally and socially relevant basic education is integrated and prioritised throughout its governance programme.**

#### Corruption

3.203 Corruption seriously undermines governance, development and human rights.<sup>139</sup> In terms of the impact corruption has on human rights, CDI explained that:

Corruption is not just an economic crime. It actually vitiates people's rights in the economic and social fields, as well as in the political-civil rights field.<sup>140</sup>

3.204 While the problem of corruption is not confined to the Asia Pacific, a significant number of countries in the region attained very low scores in the 2002 Transparency International Corruption Perceptions Index (scoring less than 5 out of 10).<sup>141</sup>

3.205 The preponderance of corruption and associated behaviours reinforces the view that good governance components and practical good governance strategies are absolutely fundamental to the realisation of human rights and human rights education.<sup>142</sup>

3.206 ALHR maintain that good governance training and institutional strengthening must have an anti-corruption component.<sup>143</sup> It is not just politicians or public servants that should be aware of corruption. ALHR advised that any organisation dealing with human rights—such as human rights commissions and civil society organisations—has to understand the capacity for their own organisation to engage in corruption.<sup>144</sup>

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139 Submission 24, Transparency International, p.1; Transcript, 16 May 2003, FADT 136.

140 Transcript, 12 May 2003, FADT 71; See also Pearson, Z, 2001, *Human Rights and Corruption*, Centre for Democratic Institutions, Canberra.

141 See, Transparency International Corruption Perceptions Index 2002 -Berlin, 28 August 2002 at <http://www.transparency.org/cpi/2002/cpi2002.en.html> (modified: 07/29/2003 19:24:05)

142 Transcript 16 May 2003, FADT 136.

143 Transcript 16 May 2003, FADT 136.

144 Transcript 16 May 2003, FADT 136.

- 3.207 CDI informed the Committee that they incorporate the concept of accountability into their programmes, with a focus on the institutional design aspects that can help combat corruption. One of the most effective practices found by CDI is declarations of assets by political leaders and public servants and their families.<sup>145</sup>
- 3.208 Anti-corruption measures are a part of the Australian government's overall governance programme initiatives<sup>146</sup> and are part of AusAID's country strategies. For example, Australia will continue to support democracy in Indonesia through an expanded programme of assistance that includes anti-corruption measures.<sup>147</sup> One of the key themes for the Centre for Democratic Institutions is accountability, which they advance through workshops, seminars and research focusing on corruption.<sup>148</sup>
- 3.209 Transparency International recommended that Australia should encourage the training of more trainers in corruption prevention and enforcement and that AusAID should release a coherent policy on anti-corruption.<sup>149</sup>
- 3.210 The Vietnamese Community in Australia made a number of recommendations aimed at ensuring corruption was addressed in Australian companies active in the region.<sup>150</sup>

#### The role of civil society

- 3.211 In its mid-term review of the Decade for Human Rights Education, the UN stated that 'non-governmental organizations are key actors' and that there is a 'growing need for increased collaboration and coordination between governmental and non-governmental actors in respect to their human rights activities'.
- 3.212 The Castan Centre supported the UN's view, suggesting both advocacy-based (such as Amnesty International) and development-based NGOs play a role through raising awareness and empowering local communities. The Castan Centre maintained that while there are few

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145 Transcript 12 May 2003, FADT 71.

146 See *Australia's Overseas Aid Program 2003-04*, Statement by The Hon. Alexander Downer MP, Minister For Foreign Affairs 13 MAY 2003, [http://www.aisaid.gov.au/budget03/budget\\_2003\\_2004.html#gov](http://www.aisaid.gov.au/budget03/budget_2003_2004.html#gov)

147 See AusAID's country information for Indonesia at <http://www.aisaid.gov.au/country/country.cfm?CountryId=30> (Updated 12 May 2004)

148 See About CDI, [http://www.cdi.anu.edu.au/about\\_CDI/aboutcdi1.htm#themes](http://www.cdi.anu.edu.au/about_CDI/aboutcdi1.htm#themes) (modified 19 April, 2004)

149 Submission 24, Transparency International, p.3.

150 Submission 6, Vietnamese Community in Australia, p.7.

explicit human rights programmes carried out by NGOs, the participatory development model followed by many NGOs is inherently favourable to human rights. Castan submits that if there is a failing it is that NGOs often can't 'scale up' local level initiatives to the national level or directly influence developing country government institutions and behaviours. This requires a more 'symbiotic relationship' to evolve between the Australian government and NGOs.<sup>151</sup>

- 3.213 The Australian Government, through AusAID, provides significant support to Australian NGOs. AusAID advised the committee that accredited NGOs have access to the AusAID NGO Cooperation Programme (ANCP), with funding for 2002-03 totalling \$26.4 million.<sup>152</sup> The ANCP subsidises Australian NGOs' own community development activities. To be eligible for funding, NGOs must meet the ANCP guidelines. AusAID stated that activities promoting human rights and good governance can and have been funded through this scheme.<sup>153</sup> Australian NGOs, in partnership with indigenous NGOs, are also able to access funds through the Human Rights Small Grants Scheme.
- 3.214 A number of submissions raised issues related to access to funding and cooperation between the Commonwealth and NGOs, particularly those NGOs directly engaged in providing human rights education.
- 3.215 Australian Lawyers for Human Rights considers that not enough is being done by the Federal Government either to engage with the few NGOs currently undertaking human rights education, or to promote the conduct by NGOs of human rights education. ALHR links this deficiency to the Australian Government's financial and logistic commitment to the Decade, which ALHR claim has been inadequate to achieve real collaboration. In addition ALHR submits that the Australian Government's view of the relationship between NGOs and government generally does not encourage collaboration; in relation to human rights education or any other endeavour.<sup>154</sup>
- 3.216 The Australian Government support for NGO involvement in human rights activities in the region is through activities such as regular biannual consultations between DFAT and the NGO community, invitations to provide input prior to Australia's bilateral human rights dialogues with China, Vietnam and Iran, and ad hoc consultations on an as needed basis. In addition, much of the work in developing human rights curriculum

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151 Submission 40, Castan Centre, p.4.

152 AusAID *Annual Report 2002-03*, p.78

153 Submission 41, AusAID, p.3.

154 Submission 36, Australian Lawyers for Human Rights, pp. 1-2.

materials and teaching about human rights in the school system in Australia which is supported by the government is undertaken by Australian NGOs.

- 3.217 The Castan Centre argued that there remains much to be learnt about the structure and conduct of the relationship between NGOs and the Australian Government. The Government cannot rely on accreditation and contracting regimes to mediate the relationship between the Government and NGOs. While accountability standards imposed on NGOs are often warranted, the Castan Centre contends that the indiscriminating application of these standards can also have the side effect of diminishing the very strengths of these organisations. As such, the Castan Centre believes that there is still some way to go before truly effective partnerships that recognise the peculiar character of NGOs are in place.
- 3.218 The Diplomacy Training Programme argued that human rights education and the role of NGOs in delivering human rights education needed to be given a higher priority by AusAID, including more flexible funding guidelines.<sup>155</sup>
- 3.219 As an example of an NGO engaged in human rights and good governance education, the Diplomacy Training Programme highlighted their difficulty meeting AusAID's funding guidelines.<sup>156</sup> DTP explained that the guidelines 'really look at the scope of one's external funding base as a magnet for AusAID support with the result that the programme has received only very minimal funding from AusAID'.<sup>157</sup> DTP and Vietnamese Community in Australia suggested that NGOs engaged in human rights education should be able to access some form of tax relief, such as tax deductibility status, similar to that granted to the National Committee for Human Rights Education.<sup>158</sup>
- 3.220 ALRI also raised the issue of funding. Their specific concern related to the reorganisation of AusAID and reported closure of numerous desk officer roles. ALRI claim that NGOs now cannot discuss funding issues 'with people who are aware of the issues faced within each of the nations where assistance was proffered'. ALRI claim that this will result in those making decisions on where to direct available funds being ill-equipped to make the correct decisions and will have a 'deleterious effect to the contribution

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155 Submission 35, Diplomacy Training Program, p.2.

156 Submission 13, Diplomacy Training Program, p.2.

157 Transcript, 16 May 2003, FADT 115.

158 Transcript, 16 May 2003, FADT 122; Submission 6, Vietnamese Community in Australia, p.4.



the NGO sector is able to make to the development of human rights in the Asia Pacific Region and elsewhere'.<sup>159</sup>

- 3.221 ALHR argue that NGOs in the region undertaking human rights and good governance education programmes should be provided with core funding to enable them to meet the running costs of their respective organisation, on top of funding to implement the actual programme.<sup>160</sup>
- 3.222 Australian Volunteers International turned the focus of the funding issue to the difficulties faced by small in-country NGO's in accessing available funds. In most cases, Australian missions have small amounts of money to provide grants. The difficulty is in the convoluted administrative processes required for a in-country NGO to access funds, including language difficulties, both English language difficulties and the correct way to fill in funding applications. AVI told the Committee that some NGOs need to have an AVI volunteer just to write submissions to the UN, UNDP, World Bank or AusAID. AVI contends that a lot of good work is not being done due to the difficulty of local in-country NGOs accessing necessary funds.<sup>161</sup>
- 3.223 ACFOA recommended that the Government develop new cooperative arrangements to support and enhance the work being done by Australian NGOs in developing human rights and good governance.<sup>162</sup> Further questioning by the Committee revealed that AusAID and ACFOA are working towards establishing new cooperative arrangements that, in ACFOA's view, will lead to more effective and sustainable aid programme outcomes and allow for NGOs to have more input into policy and strategy. A key change appears to be that rather than being constricted by short, rigid contracts to provide certain outputs such as water, education and health, there will be a longer term partnership style and flexible arrangements.<sup>163</sup>
- 3.224 ACFOA acknowledged "AusAID's willingness to embrace a new way of working with NGOs and equally to also say that we have still got a bit of a road ahead of us in making the outcome live up to the promise that has been put on both sides."<sup>164</sup>

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159 Submission 17, Australian Legal Resources International, p.3.

160 Transcript, 16 May 2003, FADT 145.

161 Transcript, 16 May 2003, FADT 130.

162 Submission 23, ACFOA, p.17.

163 Transcript, 12 May 2003, FADT 80.

164 Transcript, 12 May 2003, FADT 80.

- 3.225 The Committee is very interested in following the progress of AusAID's and ACFOA's reform of cooperative arrangements and believes that funding issues, such as the ones raised in this inquiry, need to be addressed as part of that process. This does not necessarily require additional funds, but consideration of how funds are accessed and allocated.
- 3.226 The Committee also recognises the role that indigenous (in-country) NGOs play in respect to informal and transformative human rights and good governance education programmes. The Committee is concerned that organisations such as the Diplomacy Training Programme have difficulty in attracting AusAID funding. In addition, increased support to indigenous NGOs engaged in human rights and good governance education would assist in facilitating human rights and good governance education more broadly. However, support to indigenous NGOs engaged in human rights and good governance education would have to be tempered by sensitivities of regional governments given the contentious nature of human rights in the region.
- 3.227 The Committee also believes that the issue of tax relief for NGOs engaged in human rights education should be considered to assist them in financing their activities. Similar tax relief is provided to the NCHRE, and other community organisations, such as in the environment sector.
- 3.228 To implement this, NGOs engaged in human rights education may be considered as deductible gift recipients (DGRs) so that they can receive income tax deductible gifts. The income tax law determines which types of organisations can be DGRs and they then need to be endorsed by the Tax Office.
- 3.229 Deductions for gifts are claimed by the person or organisation that makes the gift and reduce the donor's taxable income.
- 3.230 DGRs listed by name in the income tax law currently include organisations like Amnesty International Australia.<sup>165</sup>

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165 Australian Taxation Office. 2003. *GiftPack for deductible gift recipients & donors*. Commonwealth of Australia

**Recommendation 11**

**That AusAID actively promote the inclusion of human rights and good governance education in the work done by NGOs, and that AusAID review the criteria by which NGOs access funding available specifically for human rights and good governance education.**

**Recommendation 12**

**That non-government organisations directly engaged in human rights and good governance education be considered as deductible gift recipients (DGRs) so that they can receive income tax deductible gifts.**

**Radio Australia**

- 3.231 Radio Australia is the international radio and online service of the Australian Broadcasting Corporation, the ABC. It has been broadcasting for over 60 years in key regional languages including English, Pidgin, Chinese, Vietnamese, Khmer and Indonesian.<sup>166</sup>
- 3.232 A number of submissions supported the role of Radio Australia in advancing the promotion of human rights and good governance education and called for more resources to be put into Radio Australia.
- 3.233 The submission from the Friends of the ABC suggests that a combination of funding cuts and the closure of the Cox Peninsula transmitter has resulted in a significant decline in the service and influence of Radio Australia in the region:<sup>167</sup>
- In 1997-98, RA's operational budget was cut from \$13.6 million to \$6.3 million and the transmission budget from \$13.7 million to \$2.5 million. Prior to this, the overall audience reach was estimated to be 20-30 million people. Current overall funding is \$13.6 million, with the operational budget being \$7.9 million and the transmission budget being \$5.7 million (which includes a \$2.8 million final instalment of a three year one-off grant of \$8.4 million announced by the Government in 2000).
  - The sale of Cox Peninsula means that RA has to purchase bandwidth from Australian or overseas organisations. RA is currently purchasing

166 About Radio Australia <http://www.abc.net.au/ra/about/default.htm>

167 Submission 20, Friends of the ABC, pp. 1-13.

transmission out of sites in Singapore, Taiwan and the Northern Mariana Islands but can only afford to broadcast in shortwave on two frequencies. Services provided by other countries usually use five or six frequencies.

- RA's coverage has been significantly downgraded in Asia, particularly in Vietnam, Cambodia, Laos, Malaysia and Thailand.
- Broadcasts into the Pacific continue from transmitters in Shepparton and Brandon but transmission into Asia has been cut by a fifth.
- RA's Japanese, Cantonese, Thai and French services no longer exist and other language services have been significantly reduced.
- The Asia economic crisis, the fall of the Suharto regime and the East Timor crisis are cited as situations where RA's services were required but could not be accessed due to degraded services.

3.234 Friends of the ABC also claim that Australia's downgrading of Radio Australia is at odds with initiatives of other governments in this area. While Australia appears to be moving away from short-wave technology and reducing its services in the region, the US, UK and Chinese governments have been expanding shortwave services. For example, the US has reportedly launched a new short-wave service called Radio Free Asia with a budget of \$30 million.<sup>168</sup> The Chinese government has purchased 10 new 500 kilowatt transmitters to strengthen its output in 43 languages.<sup>169</sup>

3.235 The Friends of the ABC also claim that Australia has been replaced as the pre-eminent foreign broadcaster in Indonesia by the BBC, Voice of America and Voice of Malaysia, with RA's audience halving in the last decade.<sup>170</sup>

3.236 A number of submissions supported strengthening the Radio Australia service in respect to human rights and good governance education. The Diplomacy Training Programme considers that an enhanced Radio Australia would have considerable potential to assist in promoting human rights education in the region, given the low levels of literacy in many countries of the region. It could do this through dedicated programmes

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168 Radio Free Asia was established in March 1996 as a private corporation with funding voted by the U.S. Congress and then funnelled to RFA by the Broadcasting Board of Governors, which oversees all U.S. international broadcasters.

169 Submission 20, Friends of the ABC, p.5.

170 Submission 20, Friends of the ABC, p.11.

and series on human rights, on human rights instruments and the work of UN bodies and on the work of human rights NGOs.<sup>171</sup>

3.237 The Diplomacy Training Programme also suggests that educational modules and courses in human rights could be broadcast through an enhanced Radio Australia. Accurate and consistent reporting on issues of corruption and other issues of governance are important ways of reinforcing accountability.<sup>172</sup>

3.238 In terms of impact, the DTP believes that:

By providing access to those working on human rights on the ground across the region to tell their stories it would help build awareness and understanding of human rights issues and give them a voice and access to important new audiences. An interview series with key human rights figures from the region could play a role in overcoming continuing misconception that human rights are a western concept.<sup>173</sup>

3.239 The Asia Pacific Forum noted that a number of individual member institutions use radio as a means to disseminate human rights education. They consider that radio is a particularly important mechanism for remote communities or those with poor literacy skills.<sup>174</sup>

3.240 The Vietnamese Community in Australia recommended that Radio Australia be required to project Australian values relating to human rights and good governance. Further, that Radio Australia's charter should be changed to highlight its role of 'projecting the Australian people's views of universal values of human rights and democracy'.<sup>175</sup>

3.241 In response, DFAT informed the Committee that Radio Australia offers a range of programmes on human rights and good governance to audiences in the region. For example *Time to Talk* is running a series on governance in the Pacific including titles such as *Governance*, *Structure of Government*,

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171 Submission 35, Diplomacy Training Program, p.1.

172 Submission 35, Diplomacy Training Program, p.1.

173 Submission 35, Diplomacy Training Program, p.1.

174 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.4.

175 Submission 6, Vietnamese Community in Australia, pp. 9 and 15; Currently Article 6.(1)(b) of the ABC Act 1983 specifies on function of the ABC as being: 'to transmit to countries outside Australia broadcasting and television programs of news, current affairs, entertainment and cultural enrichment that will:

- (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
- (ii) enable Australia citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs.'

*Community Governance and Human Rights.* The programme is co-produced with Victoria University and the Australian National University.<sup>176</sup>

- 3.242 DFAT submitted that the Government has extended, for a further three years, additional funding of \$2.8 million per year.<sup>177</sup>
- 3.243 In terms of whether or not enhancing Radio Australia would advance the promotion of human rights and good governance in the region, DFAT argued that a range of factors need to be considered such as programme reception and the resources available to target audiences.<sup>178</sup>
- 3.244 In this current politically unstable and heightened security environment, the Committee sees considerable value in ensuring Australian views are promoted in the region. This includes promoting education in human rights and good governance. Efforts in regard to human rights and good governance education in the region need to be multifaceted, and Radio Australia is a mechanism that should perhaps be more fully utilised.

### Recommendation 13

**The Committee recommends that the services of Radio Australia be more extensively utilised by the Government to support human rights and good governance education efforts in the region.**

#### Media

- 3.245 The National Committee on Human Rights Education contends that ‘there is an important if not integral nexus between good governance and a free media’. NCHRE noted that AusAID’s definition of good governance, while including issues such as economic and financial management, law and justice, public sector effectiveness and civil society, does not explicitly address the role of the media.<sup>179</sup>
- 3.246 As stated previously in the context of domestic human rights and good governance education programmes, the media can play a key role. Chief Justice Malcolm noted that media freedom in the region was uneven in the region, with some countries such as the Philippines having a very liberal approach, while others are very restrictive.<sup>180</sup> The Committee notes the report of the recent parliamentary delegation to East Timor, which identified the need for a better trained and professional media as being

176 Submission 39, DFAT, p. 1.

177 Submission 39, DFAT, p. 1.

178 Submission 39, DFAT, p. 1.

179 Submission 22, NCHRE, p.14.

180 Transcript 3 April 2003, FADT 32

important to the development of democracy and good governance in that country.

*Pacific Media Initiative*

3.247 The Committee notes that AusAID is funding a programme to assist in training media professionals. The Pacific Media Initiative (PMI) provides customised short-course training to media professionals, including government, private sector and community media liaison officers, scholarships, and scholarship funding. This training assists in strengthening the ability of media professionals to articulate and debate key public policy issues in an accurate and balanced manner. It also encourages the involvement of government officers and NGOs in these training programmes. Another key objective of the PMI is to assist media organisations respond to new challenges by providing training in human resource, financial and administrative management skills to both commercial and government-run organisations.

3.248 Since 1996 Australian support for the Pacific Media Initiative has helped to strengthen the Pacific's media, with the intention that a free and active media can promote better governance and educate citizens about good governance and human rights.<sup>181</sup>

3.249 Given the apparent success of this programme, the Committee believes that it should be expanded to allow media professionals from East Asia, such as East Timor, to take advantage of training.<sup>182</sup>

## Recommendation 14

**That AusAID review its definition of 'good governance' to include a reference to the role of the media.**

181 Submission 9, AusAID & DFAT, p.14.

182 The Committee notes the Office of Transition Initiatives (OTI) being conducted in Indonesia by the US aid agency USAid, which includes a component for training of journalists to understand and cover political issues, and has provided equipment to expand their field reporting.

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**Recommendation 15**

**That Committee recommends that the Pacific Media Initiative be expanded to include media professionals from countries in East Asia, including East Timor.**

**Engagement with non-democratic countries**

- 3.250 It can be argued that in countries where human rights are ignored or suppressed, human rights, and human rights education are perceived as being overtly political, if not subversive. This is largely because knowledge of human rights can be empowering for oppressed or marginalised individuals and groups.
- 3.251 The Australian Government has been, and continues to be, criticised for its engagement on human rights with certain countries, such as Burma and China. For example, in the case of China critics argue that human rights dialogues, which are conducted by Australia as well as a range of other countries, are ‘piecemeal and fail’, with the major problem being a lack of independent monitoring of the programmes put in place by such talks to see if they have led to a demonstrable improvement in human rights.<sup>183</sup>
- 3.252 Nevertheless, the Committee was presented with evidence supporting continued engagement with regimes such as the Burmese Government, rather than following an isolationist approach.
- 3.253 The Castan Centre acknowledged the sensitivity of engaging with entities with poor human rights records, but submitted that the potential benefits for the advancement of human rights of specific educational engagement are too important to disregard in adopting an isolationist position.
- 3.254 The Castan Centre gave three reasons for engaging with otherwise despotic regimes: first, countries can’t be isolated on the basis that they are not democratic; it is incumbent on a nation such as Australia to engage because if the universalisation of the human rights project is truly to be a universalisation project it must include all countries and all views; second, human rights discourse arms and empowers those within the country and within a government who are latent democrats, and; third, engagement on the level of human rights may lead to engagement on other levels such as trade that will assist in breaking down barriers.<sup>184</sup>

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183 Anne Hyland, ‘Question mark on rights talks’, *Australian Financial Review*, 12 August 2003, p.14.

184 Transcript, 12 May 2003, FADT 57.



- 3.255 However, they cautioned that care must be taken to ensure that real progress is being made in countries with poor human rights records rather than relying merely on statements of the governments involved or their participation in educational programmes.
- 3.256 The Committee was also interested in the question as to whether, in certain situations, human rights education and training could be interpreted as a threat by a host or recipient government, particularly if that training was provided to known opposition and activist groups. This issue was highlighted in 2002 when the Indonesian media and Australian think-tank the Institute of Public Affairs raised concerns that Australian funded NGOs were supporting separatist movements in Indonesia.<sup>185</sup>
- 3.257 The Diplomacy Training Programme explained that, while there was a refereeing process for participants in their programmes and that some governments may perceive the training to be a threat, they believed that the principles underlying the training are universal and transcend government:
- It is a delicate matter. The DTP has provided training for the Burmese Government in exile over a number of years. From the perspective of SLORC in Myanmar, that may well be seen to threaten the established government. It is a delicate line that requires judgement, but is informed at the end of the day by the fact that the DTP's human rights education program is in aid of the development of international human rights standards, the rule of law and the development of a democratic process.<sup>186</sup>
- 3.258 Further, they explained that it is not possible to monitor or control the future actions of participants. The training itself is not seen as having a 'destructive potential'; DTP describes its human rights training 'not as weapons of mass destruction; we see them as weapons of mass salvation'.<sup>187</sup> In addition, the DTP argue that the training is entirely consistent with the commitment of the Australian government to promote human rights standards and the observance of human rights standards in the region.<sup>188</sup>
- 3.259 Our engagement on human rights issues with undemocratic, authoritarian regimes reflects Australia's commitment to human rights principles, but
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185 'Aid to rebels claims upset Indonesians', *The Australian Financial Review*, 23 September 2002; 'AusAID denies funds misused by NGOs to support Papua separatists', *The Canberra Times*, 28 September 2002.

186 Transcript, 16 May 2003, FADT 119.

187 Transcript, 16 May 2003, FADT 119.

188 Transcript, 16 May 2003, FADT 121.

this engagement must be tempered with the need to see demonstrable improvements in human rights standards in the recipient country.

## Conclusion

- 3.260 Despite the plethora of regional human rights and good governance programmes described in the submissions received by the Committee, significant and persistent failures in governance and respect for human rights continue to occur in the region. In the context of the Senate's *inquiry into Australia's relationship with PNG and other Pacific Island countries*, Professor Mark Turner has argued that, in the case of the failure of public sector reform in PNG, the failure is not because of a lack of policies or programmes but is a problem of implementation<sup>189</sup>.
- 3.261 The Committee concludes that there is a need to enhance the 'education' aspect of human rights and good governance to improve the chances of success and sustainability. In reference to the discussion in Chapter 2 regarding the difficulty in defining human rights and good governance education, this need starts with a greater understanding of human rights and good governance education and their interrelationship, as well as the clear definition of standards.
- 3.262 Human rights and governance *education* issues need to be made explicit in programme or project strategies and objectives, and remain consistently in focus throughout the implementation process. There is also a need to increase capacity of the organisations involved so that they are able to respond more effectively and in a sustained way.

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189 Mark M Turner, (Professor, Division of Management and Technology, University of Canberra) Submission No 41 to the Senate Foreign affairs, Defence and Trade References Committee inquiry into *Australia's relationship with PNG and other Pacific Island countries*.

## Recommendation 16

**That human rights and governance education be clearly identified as a key component and outcome in the strategies and objectives of AusAID's governance programmes and projects.**

### International efforts

3.263 As well as domestic and regional initiatives, the Government has pursued human rights and good governance education through international forums, principally the United Nations and the Commonwealth (as discussed in Chapter 4).

#### United Nations

3.264 DFAT submitted that the Government has been actively promoting human rights and good governance education through the United Nations system through a range of initiatives.<sup>190</sup>

3.265 Australia provides support for Office of the United Nations High Commissioner for Human Rights (OHCHR). In 2001-2002 Australia provided \$200,000 to enable the OHCHR to continue work on establishing and promoting national Human Rights institutions in the Asia-Pacific region.

3.266 Australia and Namibia were joint sponsors for an annual resolution on the *United Nations Decade for Human Rights Education* in the United Nations General Assembly and co-sponsors for a similar resolution at the Commission on Human Rights in regard to human rights and human rights education.<sup>191</sup>

3.267 Through sponsorship for an annual resolution on *National institutions for the promotion and protection of human rights* at the CHR, the Australia has helped to maintain the United Nations' support for national institutions. The resolution reaffirms the importance of creating and strengthening

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190 Submission 9, AusAID & DFAT, pp. 2-3.

191 Submission 9, AusAID & DFAT, p2. These resolutions are adopted by consensus and reaffirm that every woman, man and child, in order to realise their full human potential, must be made aware of all their human rights and fundamental freedoms, and also that human rights education should involve more than the provision of information and should constitute a comprehensive, lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.

independent, pluralistic national institutions for the promotion and protection of human rights and of the role such institutions play in developing and enhancing public awareness of those rights and freedoms.

- 3.268 Australia has been lead sponsor of the resolution on *The role of good governance in the promotion of human rights*, since 2001. This resolution was adopted by consensus at the last meeting of the Commission on Human Rights. The resolution emphasised the need for a transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, as the foundation on which good governance rests. The resolution also focuses attention on the importance of good governance as a guarantee for the observance of internationally accepted standards of human rights, and calls for the High Commissioner for Human Rights to convene an international seminar on good governance. It is the Australian Government's hope that this seminar will be held over the coming year, in the Asia-Pacific region.
- 3.269 Australia is a co-sponsor with other countries for resolutions in the United Nations General Assembly on *Human rights and the administration of justice* (with Austria) and on *Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratisation* (with the U.S.)

### The Commonwealth

- 3.270 The Commonwealth is a voluntary association of independent sovereign states, comprising 54 developed and developing nations spread over every continent and ocean in the world. The common link between these countries is that they were former colonies or dependencies of the United Kingdom. The supreme body of the Commonwealth is the Commonwealth Heads of Government Meeting (CHOGM), where Commonwealth Leaders meet every two years in a different country, to review global political and economic developments and to take a strategic overview of the Commonwealth's work in support of the interests of its member countries<sup>192</sup>.
- 3.271 In 2003-03, Australia provided \$12.2 million to Commonwealth organisations for Commonwealth developing countries in 2002-03. This assistance targeted capacity building for institutions and individuals, good governance, human rights and conflict resolution.<sup>193</sup>

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192 DFAT, *What is the Commonwealth?*,  
[http://www.dfat.gov.au/intorgs/commonwealth/aus\\_comm\\_1.html](http://www.dfat.gov.au/intorgs/commonwealth/aus_comm_1.html)

193 AusAID *Annual Report 2002-03*, p.69

- 3.272 The Commonwealth's diverse membership, its common linguistic and legal heritage and its history of involvement in political issues, most notably opposing apartheid, means the organisation has a useful role to play in promoting democracy and good governance, despite its modest financial resources. The Commonwealth undertakes this role through bodies such as the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), its conduct of election monitoring, the Secretary-General's "good offices" role as well as development activities including human rights education.
- 3.273 The increasing priority attached to these efforts within the Commonwealth is reflected in the report of the High Level Review Group (of which the Prime Minister was a member), adopted by the Coolum CHOGM, which committed the Commonwealth "to intensify efforts to assist members in strengthening democracy and democratic institutions through the provision of constitutional, electoral and legal assistance."<sup>194</sup> Australia has in particular emphasised the importance of increasing the Commonwealth's good governance activities amongst the small island states of the South Pacific.
- 3.274 Recent Commonwealth human rights and good governance education activities in the region include a Commonwealth Leaders Meeting on Good Governance held in the margins of the Pacific Island Forum in 2002, and a regional workshop on the practical implementation of the Convention on the Rights of the Child.<sup>195</sup>
- 3.275 The activities of regional and international organisations are discussed in more detail in Chapter 4.

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194 Commonwealth High Level Review Group. 2002. *Report to Commonwealth Heads Of Government, Coolum, Australia* (as adopted at their meeting in Coolum on 3 March 2002), <http://www.meadev.nic.in/foreign/cwhlrg5mar2002-chogm.htm>

195 Submission 9, AusAID & DFAT, p.3.



## **The involvement of the UN and other international and regional government and non-government organisations**

### **Introduction**

- 4.1 The United Nations and many other organisations conduct a range of activities within the broad areas of human rights and governance in the region. This includes the UN having carriage of the Decade for Human Rights Education. This chapter aims to provide an indication of the breadth of these programmes.
- 4.2 Given the large number of programmes in existence, the Committee will describe key initiatives and those programmes raised in the evidence received during the course of the inquiry.

### **International Organisations**

#### **United Nations**

- 4.3 The four purposes of the UN, outlined in the UN Charter, are to maintain international peace and security; to develop friendly relations among nations; to cooperate in solving international problems and in promoting respect for human rights; and to be a centre for harmonising the actions of nations.<sup>1</sup>

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1 *How The UN Works*, <http://www.un.org/Overview/brief1.html>

- 4.4 Chapter 3 reviewed the range of initiatives within the United Nations system through which the Australian Government has been actively promoting human rights and good governance education. These include support for Office of the United Nations High Commissioner for Human Rights (OHCHR), joint sponsorship of an annual resolution on the *United Nations Decade for Human Rights Education* in the United Nations General Assembly, sponsorship of an annual resolution on *National institutions for the promotion and protection of human rights* at the CHR and sponsorship of a resolution on *The role of good governance in the promotion of human rights*.
- 4.5 Increasingly all UN agencies have been adopting human rights based approaches to their strategies and programmes. This, according to the Diplomacy Training Programme (DTP)<sup>2</sup>, opens up significant potential to expand awareness and knowledge of human rights at the community level and within government agencies.
- 4.6 The Diplomacy Training Programme describes the UN as having provided valuable materials and opportunities for sharing of knowledge, communication and collaboration between civil society and governments, but says that it lacks resources.<sup>3</sup>

### **The United Nations Decade for Human Rights Education**

- 4.7 The main activities being conducted by the United Nations in the area of interest to this inquiry are contained within the United Nations Decade for Human Rights Education, which was proclaimed by the United Nations General Assembly in December 1994. The Decade began in January 1995 and is described in more detail in Chapter 5 of this report.
- 4.8 The DTP describes the UN as having played an important catalytic role and provided a global framework and impetus through the UN Decade.<sup>4</sup>

### **The United Nations High Commissioner for Human Rights**

- 4.9 At the international level the High Commissioner for Human Rights is entrusted with the primary responsibility for the promotion and coordination of the UN's plan of action for the Decade, supported by other UN agencies.

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2 Submission 35, Diplomacy Training Program, p.2.

3 Submission 35, Diplomacy Training Program, p.2.

4 Submission 35, Diplomacy Training Program, p.2.



### UN Database on Human Rights Education and Training

- 4.10 OHCHR makes available information about human rights education and training materials developed under the Decade through its Database on Human Rights Education and Training (<http://www.unhchr.ch/hredu.nsf>). The OHCHR is also in the process of establishing a Documentation Centre, which will merge this database with other in-house databases. OHCHR also has a resource collection on human rights education and training, which is publicly accessible at OHCHR headquarters in Geneva and will form a specialized collection of the Documentation Centre.

### Assisting Communities Together (ACT) Project

- 4.11 The UNHCHR in partnership with the United Nations Development Programme launched the Assisting Communities Together (ACT) project in 1998 to support grass-roots activities carried out by community-based organisations or individuals through micro-grants.<sup>5</sup> The project aims “to help empower local communities to promote and protect human rights” by facilitating local work to bring about improvements in people’s lives<sup>6</sup>.
- 4.12 The small scale ACT grants have so far been used to support activities in areas including working with the media, creating information centres, conducting awareness campaigns and producing educational material.<sup>7</sup>
- 4.13 The third phase of the ACT project (currently underway) claims to demonstrate increased cooperation between OHCHR and UNDP at field level, through the allocation of additional funds. Under this phase 206 grants have been allocated in 29 countries, with 76 of these projects completed by mid-July 2003.<sup>8</sup>
- 4.14 Examples of initiatives supported by the ACT Project include human rights workshops and training courses for teachers, women, social workers, public officials and indigenous peoples; theatre performances

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5 United Nations Office of the High Commissioner for Human Rights, *Human Rights ACT Project (Assisting Communities Together)*  
<http://www.unhchr.ch/html/menu2/9/civilsup/descrip.htm#countries>

6 United Nations Office of the High Commissioner for Human Rights. 2002. *ACT PROJECT: Assisting Communities Together*. Geneva, United Nations, p.5.

7 United Nations Office of the high Commissioner for Human Rights. 2002. *ACT PROJECT: Assisting Communities Together*. Geneva, United Nations.

8 United Nations, *Education and public information activities in the field of human rights*, 27 August 2003, UN Document A/58/318

and discussions to build awareness of children's human rights and an album of popular songs based on human rights in a local language.<sup>9</sup>

4.15 Phase Two ACT projects in the Asia Pacific included<sup>10</sup>:

- Training courses for Buddhist monks in rural provinces of Cambodia, addressing issues such as human rights and Buddhism, international law, domestic law, procedures to protect human rights, the rule of law, free and fair elections. The trained monks can then teach people at the grassroots level in their villages.
- Human rights and labour law training for workers from factories in Phnom Penh, Cambodia, where the working conditions are known to be very bad, for example 30 per cent of those attending were illiterate. The outcomes of the project included the establishment of independent trade unions in some of the factories and training of participants in peaceful negotiation skills.
- Informal educational training, workshops, discussions, competitions and quizzes in rural counties of Mongolia to present children's basic rights to schoolchildren and adults, addressing issues such as the right to education and health, and freedom to stay with families. Targeted audiences included poor children, street children and children with disabilities.
- Development of the first "national human rights record" in Mongolia, highlighting existing problems both in legislation and in practice.

4.16 When assessing funding requests, preference is given to applicants involved in human rights education, advocacy or training at the local level; organisations with a general budget that can not provide adequately for implementation of the project; and projects focused on the rights of women and children. A local ACT Task Force is responsible for ensuring the implementation of the ACT Project on the ground, providing technical assistance to the recipients and monitoring the implementation of the project.<sup>11</sup>

4.17 OHCHR produces both a global report on the implementation of the ACT Project and a compilation of particularly interesting projects in the form of a publication made available to the participants and the general public<sup>12</sup>.

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9 <http://www.unhchr.ch/html/menu2/9/civilsup/descrip.htm#countries>

10 ACT Project Final Report, <http://193.194.138.190/html/menu2/9/civilsup/actrep2.htm>

11 <http://www.unhchr.ch/html/menu2/9/civilsup/descrip.htm#countries>

12 <http://www.unhchr.ch/html/menu2/9/civilsup/descrip.htm#countries>

### **World Public Information Campaign**

4.18 The World Public Information Campaign for Human Rights is carried out by the United Nations, and the importance of strengthening this programme was underlined by the World Conference on Human Rights in 1993<sup>13</sup>. The campaign initiates and supports education in human rights and undertakes dissemination of public information in this field. The advisory services and technical assistance programmes of the United Nations system respond to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards and their application to groups such as military forces and law enforcement personnel.

### **United Nations Educational, Scientific and Cultural Organisation (UNESCO)**

4.19 UNESCO has human rights education as one of its strategic priorities and a key element for the promotion of the right to quality education.

4.20 UNESCO has national and subregional projects which focus primarily on the formal education system and include the revision of curriculum and textbooks; the training of trainers, educators and administrative personnel; and the production of educational materials, teacher guidelines and training materials.<sup>14</sup>

4.21 Within the context of the UN reform, UNESCO has been developing a strategy on human rights, which is to include:

- monitoring human rights education in member States as part of the right to education;
- mainstreaming human rights education into national education systems; and
- assisting governments in the preparation and implementation of national plans of action for human rights education.

4.22 The UNESCO strategy on human rights was approved by the UNESCO General Conference in September 2003. This strategy was based on document 165 EX/10, which was previously discussed at length by the Executive Board at its 165th session (October 2002), and reflected the results of a series of consultations with Member States and relevant

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13 United Nations. *Vienna Declaration and Programme of Action*, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993. UN Document A/CONF.157/23.

14 United Nations. 2003. *Education and public information activities in the field of human rights*, 27 August 2003, UN Document A/58/318

partners.<sup>15</sup> Implementation of this strategy is expected to begin from the 2004-2005 biennium.

## **UNDP - United Nations Development Programme**

4.23 UNDP is the UN's global development network, working in 166 countries on global and national development challenges. The UNDP engages in a number of programmes in the region.<sup>16</sup>

### **Governance for Livelihoods and Development (GOLD)**

4.24 The GOLD programme aims to strengthen governance systems in Pacific Island Countries by encouraging transparency, accountability and participation in decision-making. The programme is funded by the UNDP and executed by the United Nations Office for Project Services (UNOPS). GOLD's project activities aim to:

- increase accountability and transparency in national institutions;
- assist countries raise the professional competence of judicial service personnel;
- increase the effectiveness of national parliaments in Pacific Island countries; and
- increase Pacific Island countries' commitment to human rights treaties and increase awareness about rights-based development.<sup>17</sup>

### **Participatory Action Research to Advance Governance Options and Networks - PARAGON**

4.25 The PARAGON Regional Governance Programme (PRGP) works under the guidance of Asia-Pacific UNDP and UNDP Islamabad (the programme's headquarters in Islamabad). PARAGON evolved from Asian governance concerns expressed during different consultations and conferences in the period 1997-99. PARAGON's focus is on rights and development; decentralisation and community participation; and peace and development.<sup>18</sup>

4.26 Citizens of the region are the beneficiaries of the programme, as its results aim to advance poverty reduction, human security and human development through improved human rights, stronger public and

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15 *Draft UNESCO Strategy on Human Rights*. 2003. General Conference, 32nd session, Paris. 22 September 2003, (32 C/57)

16 *About UNDP*, [http://www.undp.org/about\\_undp/](http://www.undp.org/about_undp/)

17 *The GOLD Programme*, <http://www.undp.org.fj/gold/about.htm>

18 *PGRP About Us*, [http://www.undp-paragon.org/rgp/12\\_about\\_prgp/index.htm](http://www.undp-paragon.org/rgp/12_about_prgp/index.htm)

private accountability and greater decentralisation and local empowerment.

More immediate beneficiaries were identified as public and private sector policy makers, parliamentarians, media personnel, judicial and civil service trainees, as well as other change agents who have the will to contribute to advances in the prioritised areas, but who could benefit from substantive and/or methodological supports.<sup>19</sup>

- 4.27 PRGP uses networking, alliance building, advocacy and lobbying activities and works with existing networks in the region where possible, instead of developing new networks.
- 4.28 PARAGON aims to promote a policy framework that facilitates humane governance for human security and sustainable human development. PARAGON works with civil society, the private sector and government in the fields of political, social and economic governance.<sup>20</sup>
- 4.29 Countries engaged in PARAGON include China, Cambodia, Indonesia, Malaysia, Mongolia, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Vietnam.

#### Country Cooperation Framework

- 4.30 The country cooperation framework (CCF) is the central document in the UNDP's country programming process. The recipient government has the primary responsibility for the formulation of the framework, in consultation with the United Nations Development Programme, as well as for the coordination of all types of external assistance, in order to integrate the assistance into its development process.<sup>21</sup>
- 4.31 Two examples of where CCFs incorporate criteria related to human rights and good governance education include the Philippines and Nepal.

#### *Philippines*

- 4.32 The second country cooperation framework for the Philippines<sup>22</sup> defines poverty alleviation as the core business of UNDP Philippines, to be

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19 UNDP Project Document: *Mid Term Evaluation*. [http://www.undp-paragon.org/rgp/04\\_proj\\_doc/pro\\_doc.htm](http://www.undp-paragon.org/rgp/04_proj_doc/pro_doc.htm) (Updated 1 February, 2003)

20 *Paragon Introduction*, [http://www.undp-paragon.org/rgp/29\\_center\\_files/paragon\\_intro.htm](http://www.undp-paragon.org/rgp/29_center_files/paragon_intro.htm)

21 *UNDP Programming Manual*, Reference Centre, Chapter 2 - Country Cooperation, Executive Board decision 96/7, <http://www.undp.org/bdp/pm/docs/reference-centre/chapter2/eb967.pdf>

22 UNDP Philippines, *Country Cooperation Framework*, <http://www.undp.org.ph/country.htm>

addressed mainly through governance interventions. The implementation of the CCF will cover 2002-2004.

- 4.33 Issues on human rights and gender are integrated into the framework to advance the promotion and protection of human rights as basis for all development initiatives. Moreover, there is an emphasis on the mainstreaming of gender concerns in all portfolios to achieve gender equality through UNDP programmes.

#### *Nepal*

- 4.34 The second country cooperation framework for Nepal<sup>23</sup> (2002-2006) has been developed in close consultation with civil society and other development partners. The overarching objective of the second CCF for Nepal is to contribute to the poverty reduction goals set out by the Government (reduce poverty to a level of 10 percent of the population by the 2017) and the Millennium Summit's goal (halve human poverty and eliminate extreme income poverty by 2015).
- 4.35 A two-pronged approach will be used for democratic governance, one set of activities focused on district and local levels and another on selected central institutions, to stimulate greater transparency and accountability in public interventions. The Government and UNDP have stressed the importance of creating a balanced approach between building national-level capacities and investing in programmes at the local and district levels. Gender, crisis and disaster mitigation, HIV/AIDS, population and information communication technology will be addressed in all programmes of the second CCF.

#### **HURIST - Human Rights Strengthening**

- 4.36 HURIST, a joint programme of UNDP and OHCHR, supports the implementation of UNDP's policy on human rights as presented in the policy document *Integrating Human Rights with Sustainable Human Development*<sup>24</sup>. Its primary purposes are to test guidelines and methodologies and to identify best practices and learning opportunities in the development of national capacity for the promotion and protection of human rights and in the application of a human rights approach to development programming.<sup>25</sup>

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23 *Second Country Cooperation Framework For Nepal (2002 - 2006)*  
[http://www.undp.org.np/CCF2\\_nep.htm](http://www.undp.org.np/CCF2_nep.htm)

24 *Integrating Human Rights with Sustainable Human Development*, A UNDP policy document,  
<http://magnet.undp.org/Docs/!UN98-21.PDF/Integeng.htm>

25 HURIST - The Human Rights Strengthening Programme, *Integrating Human Rights in UNDP's Activities*, <http://www.undp.org/governance/hurist.htm>

4.37 During its first phase (1999 – 2002), efforts were devoted to the development of national human rights action plans and strengthening the human rights capacities of UNDP Country Offices through programming support and the provision of United Nations Volunteers (UNV) Human Rights Specialists. During the second phase (2002 – 2005) of the programme attention will be devoted to methodology development and implementation and to the documentation and dissemination of learning experiences for human rights-based approaches in UNDP's main practice areas.<sup>26</sup>

### **International Labour Organisation (ILO)**

4.38 The ILO conducts workshops and training courses and issues various publications on international human rights standards in the workplace, with a focus on gender equality. The target audience included trade unionists, workers, employers, government officials and legal practitioners, as well as those involved in the conception and implementation of development policies and projects.<sup>27</sup>

### **Office of the United Nations High Commissioner for Refugees (UNHCR)**

4.39 The UNHCR also undertakes human rights education activities and develops training tools, particularly concerning refugee issues. Together with the Save the Children Alliance, UNICEF and OHCHR, UNHCR participates in the "Action for the Rights of Children" initiative which produces training material on children's rights.<sup>28</sup>

### **World Health Organisation (WHO)**

4.40 In 2002, the WHO launched a publication series on health and human rights, to support the integration of a human rights perspective into health policies and work.<sup>29</sup>

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26 HURIST - The Human Rights Strengthening Programme, *Integrating Human Rights in UNDP's Activities*, <http://www.undp.org/governance/hurist.htm>

27 United Nations. *Education and public information activities in the field of human rights*, 27 August 2003, UN Document A/58/318

28 United Nations. *Education and public information activities in the field of human rights*, 27 August 2003, UN Document A/58/318

29 United Nations. *Education and public information activities in the field of human rights*, 27 August 2003, UN Document A/58/318

## UNICEF

- 4.41 Some examples of UNICEF<sup>30</sup> programmes which may be considered to constitute human rights and good governance education in the Asia Pacific region are described below:

### Life Skills-Based Education

- 4.42 Life Skills-Based Education (LSBE) is being adopted by UNICEF around the world to empower young people in challenging situations. LSBE is a process of teaching and learning which enables students to acquire knowledge and develop attitudes and skills which support the adoption of healthy behaviours, such as taking greater responsibility for their own lives; gaining greater resistance to negative pressures; and minimising harmful behaviours. It is a critical element in UNICEF's definition of quality education.<sup>31</sup>
- 4.43 These programmes often use student-centred, participatory teaching and learning methods to promote a range of health and social issues relevant to children and young people, including early childhood care and trafficking of women and children. Such programmes are run in a number of countries in the Asia Pacific region including Myanmar, Vietnam and Cambodia.<sup>32</sup>
- 4.44 Rights advocacy and protection form the core focus of UNICEF cooperation for Pacific Island countries, to strengthen their capacity for promoting, monitoring and reporting on the Convention on the Rights of the Child, with a priority on the earliest years of life and adolescence.

## International organisations

### World Bank

- 4.45 The "World Bank" is the name used for the International Bank for Reconstruction and Development (IBRD) and the International

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30 Created by the United Nations General Assembly in 1946 to help children after World War II in Europe, UNICEF was first known as the United Nations International Children's Emergency Fund. In 1953, UNICEF became a permanent part of the United Nations system, its task being to help children living in poverty in developing countries.

31 UNICEF, *Life skills – Introduction* <http://www.unicef.org/lifeskills/index.html>

32 UNICEF, *Life skills – Myanmar* [http://www.unicef.org/lifeskills/index\\_8795.html](http://www.unicef.org/lifeskills/index_8795.html)



Development Association (IDA). Together these organisations provide low-interest loans, interest-free credit and grants to developing countries.

- 4.46 The World Bank is one of the world's largest sources of development assistance. In 2002 the World Bank provided \$19.5 billion to developing countries and worked in more than 100 developing economies, bringing finance and/or technical expertise to help them reduce poverty.<sup>33</sup>
- 4.47 World Bank programmes cover areas such as anti-corruption; governance diagnostic capacity building; parliament; journalism; judicial reform; public expenditure and financial accountability; municipal reform; youth and good governance; and governance data<sup>34</sup>. Since 1996, the Bank has launched more than 600 anticorruption programmes and governance initiatives in nearly 100 client countries, ranging from disclosure of assets by public officials to training judges and teaching investigative reporting to journalists.<sup>35</sup>
- 4.48 The majority of development projects approved by the Bank involve the active participation of non-government organisations (NGOs) in their implementation, and most of its country strategies benefit from consultations with civil society. For example in East Timor a Community Empowerment and Local Governance Project supports democratically elected village councils in restarting economic activities through community projects.<sup>36</sup>
- 4.49 The Castan Centre submission<sup>37</sup> suggests that the governance model promoted by the World Bank<sup>38</sup> has been heavily promoted as being successful and that some of the ideas embodied in it have value. The examples they give include that maintaining the rule of law is a major element in the World Bank's definition and also an important precondition for protecting individual human rights; and transparent public decision-making is likewise a prerequisite for public probity.

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33 *What is the World Bank*,  
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/0,,contentMDK:20040558~menuPK:34559~pagePK:34542~piPK:36600~theSitePK:29708,00.html>

34 *WBI Governance Programs* <http://www.worldbank.org/wbi/governance/programs.html>

35 *Ten things you never knew about the World Bank –Three*  
<http://www.worldbank.org/tenthings/three.html>

36 *Ten things you never knew about the World Bank –Eight and Nine*  
<http://www.worldbank.org/tenthings/>

37 Submission 40, Castan Centre for Human Rights Law, p.12.

38 See: World Bank. 1998. *Assessing Aid: What Works, What Doesn't and Why*. New York: Oxford University for the World Bank.

## Asian Development Bank

- 4.50 Established in 1966, the Asian Development Bank (ADB) is a multilateral development finance institution dedicated to reducing poverty in Asia and the Pacific. ADB provides loans and technical assistance for a broad range of development activities.
- 4.51 In recognition of the importance of good governance for sustained economic development in Asia and the Pacific, in October 1995 the ADB adopted a policy on governance that identified four means to sustained economic development: accountability, participation, predictability, and transparency.<sup>39</sup>
- 4.52 ADB's strategy to reduce poverty in Asia includes challenges of a constitutional nature that establish rules of political conduct; creative interventions to change rules and structures; and the nature of interactions and types of relationships between states, citizens, and other actors, to which good governance is integral.<sup>40</sup>
- 4.53 Some examples of ADB-supported programmes and projects which result in good governance practices include public administration; public financial management; corporate regulatory frameworks; legal and justice reform; participation of civil society in public decision-making; anticorruption; and gender and development.<sup>41</sup>

## Poverty Reduction Strategy

- 4.54 The ADB works with governments and non-government organisations in Asia to free the region of poverty. ADB's Poverty Reduction Strategy outlines how growth, human development, and governance work together to create a situation where impoverished people can participate in and benefit from social and economic development.<sup>42</sup>
- 4.55 The ADB's governance work seeks to advance transparency and predictability; accountability; strategic focus; efficiency and effectiveness; and participation. ADB's lending and technical assistance supports investments into human and physical capacities to promote equitable growth, build the abilities of people, and make governments function in an efficient way.

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39 ADB *Facilitating good governance*, <http://www.adb.org/About/objpov.asp#eco>

40 ADB *Governance* <http://www.adb.org/Governance/default.asp> (Updated 8 June 2004)

41 ADB *Governance Initiatives* <http://www.adb.org/Governance/default.asp>

42 Poverty Reduction, *ADB's Overarching Goal*, <http://www.adb.org/Poverty/default.asp> (Updated 21 May 2004)

- 4.56 The Asian Development Bank supports a number of public sector reform and private sector development programmes in Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, and Vanuatu. The Bank's regional activities include debt management, strengthening financial institutions, development of the private sector, economic analysis, poverty assessment and analysis of the socio-cultural dimensions of economic systems.<sup>43</sup>
- 4.57 Human rights are not an explicit aim of the ADB's poverty reduction strategies; however they may be seen to be an outcome of improved governance.
- 4.58 Across the board, ADB supports secondary and post-secondary education, complementing the efforts of the World Bank and other agencies, which have focused on providing primary and lower secondary school education. The proposed secondary education computerisation project in 2004 will help extend educational opportunities to youth and reduce inequalities between students of full and limited curriculum schools. In higher education ADB supports reforms to develop skills for private sector employment; provide career guidance for students; partially recover costs and regulate private education to improve its quality and sustainability; expand tertiary education; and improve administration and management under a skills development project.

## Government aid agencies

### New Zealand Agency for International Development (NZ Aid)

- 4.59 The New Zealand Agency for International Development (NZ Aid) administers New Zealand's Official Development Assistance programme. It is a semi-autonomous agency of the New Zealand Ministry of Foreign Affairs and Trade.<sup>44</sup>
- 4.60 The Pacific has been NZ Aid's main focus since the late 1980s and currently just under half of NZ Aid is directed to the Pacific. There are also

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43 Governance for Livelihoods and Development (GOLD) Project Document technical paper (<http://www.undp.org.fj/gold/docs/GOLDFINA.PDF>)

44 NZ Aid <http://www.nzaid.govt.nz/> and NZ Ministry of Foreign Affairs and Trade <http://www.mfat.govt.nz/>

significant programmes in South East Asia and targeted assistance in other regions such as Southern and East Africa, North Asia and Latin America. Poverty reduction is the primary concentration, along with human rights, governance issues, and environmentally sustainable development.

- 4.61 NZAID particularly focuses on capacity building, to ensure decision-makers have appropriate skills and training and qualified people are available for key education and health agencies.

### **Human Rights Policy**

- 4.62 The Human Rights Policy forms part of NZAID's broader Policy Framework. New Zealand's aid programme aims to contribute to peace, security and development in the global economy.<sup>45</sup>
- 4.63 NZAID has a broad strategic poverty elimination view which is about individual or household income, as well as issues such as health, education, gender and family circumstances, life expectancy and school attendance.<sup>46</sup> NZAID particularly focuses on capacity building, to provide decision-makers with appropriate skills and training and qualified people for key education and health agencies.

### **Good Governance Programme (GGP)**

- 4.64 NZAID recognises good governance as a critical pre-condition to poverty elimination and sustainable development.<sup>47</sup> NZAID assistance to the Pacific includes a Good Governance Programme (GGP) that promotes good governance at the regional, national and local levels. The GGP focuses on public sector reform, legal reform and judicial training, electoral support and human rights.<sup>48</sup>

### **Links with Non-Government Organisations (NGOs)**

- 4.65 NZAID has piloted a Strategic Policy Framework for Relations with NGOs to set out basic principles and undertakings to guide and underpin the NZAID/NGO relationship.<sup>49</sup> The Strategic Policy Framework was agreed in August 2000 with New Zealand NGOs.

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45 *Who is NZAID?* <http://www.nzaid.govt.nz/about/index.html>

46 *Human Rights Policy Statement* <http://www.nzaid.govt.nz/library/docs/nzaid-human-rights-policy.pdf>

47 *Good Governance Programme – Global*, <http://nzaid.govt.nz/programmes/g-governance.html>

48 *Governance for Livelihoods and Development (GOLD) Project Document: technical paper* (<http://www.undp.org.fj/gold/docs/GOLDFINA.PDF>)

49 *Non-Government Organisations* <http://www.nzaid.govt.nz/programmes/g-ngos.html>

## U.S. Agency for International Development (USAID)

- 4.66 The US Agency for International Development (USAID) is an independent government agency that receives overall foreign policy guidance from the US Secretary of State.<sup>50</sup>
- 4.67 USAID carries out foreign assistance programmes to support key US foreign policy interests, including sustained economic and social progress for the peoples of the Asia and Near East regions.<sup>51</sup> USAID's programmes strive to, among other things:
- strengthen democracy and good governance;
  - reduce gender disparities; and
  - build human capacity through education and training.
- 4.68 Below are some examples of USAID's interventions in the Asia Pacific in support of human rights and good governance education.

### Indonesia

- 4.69 The USAID programme in Indonesia supports economic growth, agriculture and trade; global health; democracy, conflict and humanitarian assistance; and the global development alliance. It focuses on, among other things accelerating Indonesia's democratic transition through civil society development, strengthening democratic institutions, and conflict prevention and mitigation; and addressing health-sector priorities.
- 4.70 USAID's democracy and governance programmes in Indonesia support efforts to transform national institutions such as the legislature, the justice system, and political parties.<sup>52</sup>
- 4.71 USAID's Decentralized Local Government Programme<sup>53</sup> assists in providing the legal and fiscal environment for decentralisation reform; developing local capacity to deliver services effectively; developing mechanisms and practices that enable local participation; and developing sustainable and independent associations for continual improvement of local governance.

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50 About USAID, *This Is USAID* [http://www.usaid.gov/about\\_usaid/](http://www.usaid.gov/about_usaid/)

51 USAID, *Asia and the Near East* [http://www.usaid.gov/locations/asia\\_near\\_east/](http://www.usaid.gov/locations/asia_near_east/)

52 *Asia and the Near East, Indonesia Overview* <http://www.usaid.gov/id/democracy-intro.html>

53 USAID Indonesia *Supporting Government Decentralization*  
<http://gopher.info.usaid.gov/missions/id/decentralization-intro.html>

### Office of Transition Initiatives (OTI) Indonesia

- 4.72 USAID's Office of Transition Initiatives (OTI) Indonesia, seeks to assist, accelerate, and secure the process of reform and democratisation. OTI initiated its programme in July 1998 and handed it over in October of 2002, with many of the OTI activities continued by the USAID mission in Jakarta.
- 4.73 The programme includes good governance activities such as parliamentary training and village leader training at the district level, and public information campaigns about government activities. OTI also supports the training of journalists to understand and cover political issues, and has provided equipment to expand their field reporting.

### Philippines

- 4.74 The USAID programme in the Philippines assists in economic reform and governance; conflict resolution in Mindanao; family planning, maternal and child health, HIV/AIDS and infectious diseases; and environmental governance and energy.<sup>54</sup>

### Economic Reform and Governance

- 4.75 In the area of economic reform and governance, the aim is to promote investment, job-creation, and poverty reduction by addressing corruption, weak rule of law, fiscal and financial instability, and anti-competitive barriers.
- 4.76 USAID assists Philippine institutions that undertake programmes to improve efficiency, transparency and accountability in the management of the enabling environment for investment.

### Mindanao

- 4.77 To help consolidate peace in Mindanao and expand economic opportunity for all its people, USAID's growth with equity in Mindanao programme is carrying out activities aimed at accelerating economic growth on Mindanao and ensuring that as many local people as possible benefit from that growth. The programme supports improved governance and education in the Autonomous Region of Muslim Mindanao.

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54 USAID *Assistance for the Philippines*, [http://www.usaid-ph.gov/assistance\\_usaid.htm](http://www.usaid-ph.gov/assistance_usaid.htm) (Updated December 3, 2003)

## Environment

- 4.78 As part of its environmental governance activities, USAID is promoting good governance – transparency and accountability – in enforcing environmental laws. Special emphasis is being placed on assisting Muslim communities in Mindanao. Activities include training and follow-on technical assistance to local government units and communities to improve the management of coastal and water resources, forests and solid waste. Training is also being conducted for the judicial and legal sectors, to equip them to better enforce environmental laws.

## United Kingdom's Aid Programme

- 4.79 The Department for International Development (DFID) is the UK Government department responsible for promoting sustainable development and reducing poverty. The central focus of the Government's policy is the internationally agreed Millennium Development Goals.

## British Development Co-Operation in the Pacific

- 4.80 Britain's regional programme in the Pacific concentrates on two sectors, education, and rights and good governance, with a particular emphasis on Kiribati, Solomon Islands and Vanuatu.<sup>55</sup>
- 4.81 The regional programme is administered by DFID Pacific, the Department's regional office in Suva. The main elements of the programme include basic education (formal and non-formal) and post-school skills development.
- 4.82 In formal basic education the main project is the Primary Education Development Project (PEDP), which is working with the Solomon Islands Ministry of Education and Human Resource Development to improve the quality of primary education by changing classroom practice. This involves curriculum development in English and Mathematics, teacher training and whole school development in selected schools in three provinces.
- 4.83 Non formal basic education assistance in Vanuatu is through two projects. Core funding is provided for the Wan Smolbag Theatre for development, which aims to increase knowledge of development issues at community

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55 UK Department for International Development, Pacific Region Strategy Paper  
[http://www.dfid.gov.uk/Pubs/files/pacific\\_csp.pdf](http://www.dfid.gov.uk/Pubs/files/pacific_csp.pdf)

level. The other project supports the Vanuatu Rural Development Training Centres Association, a local NGO which strengthens basic skills training in Rural Training Centres. In Kiribati, non formal basic education is supported through the Te Itibwerere Theatre Group which is similar to Wan Smolbag.

- 4.84 At post-school level, the main project is a 10 year package of assistance to the University of the South Pacific (USP). This includes staff development, learning materials, an innovations fund and research. In the Solomon Islands and Kiribati there are two institutional strengthening projects to assist the development of quality skills training.

### **BBC World Service Trust Project**

- 4.85 "I have a right to..." is a global education project, developed by the BBC World Service Trust. The project aims to fulfil the need for individuals to know their own rights and understand issues that affect them. It consists of radio programmes, produced by 25 language services, international awareness-raising events, debates and a website, entitled "I have a right to..." which acts as a global hub for information about human rights.<sup>56</sup>

### **Rights & Democracy (International Centre for Human Rights and Democratic Development)**

- 4.86 Rights & Democracy is a non-partisan organisation with an international mandate. It was created by Canada's Parliament in 1988 to "encourage and support the universal values of human rights and the promotion of democratic institutions and practices around the world".<sup>57</sup>
- 4.87 Rights & Democracy works with individuals, organisations and governments in Canada and abroad to promote the human and democratic rights defined in the United Nations' International Bill of Human Rights. The four themes currently pursued are democratic development; women's human rights; globalisation and human rights; and the rights of indigenous peoples.<sup>58</sup> Rights & Democracy receives the majority of its funding from Canada's Overseas Development Assistance

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56 *I have a right to...* About the BBC World Service Trust Project

[http://www.bbc.co.uk/worldservice/people/features/ihavearightto/four\\_b/why.shtml](http://www.bbc.co.uk/worldservice/people/features/ihavearightto/four_b/why.shtml)

57 Rights & Democracy *About Us*

<http://www.ichrdd.ca/frame2.iphtml?langue=0&menu=m02&urlpage=english/about/hist.html>

58 Rights & Democracy *Programme 2003-2005*

<http://www.ichrdd.ca/frame2.iphtml?langue=0&menu=m01&urlpage=http://www.ichrdd.ca/cgi-bin/swish-cgi.pl>



Budget through the Department of Foreign Affairs and International Trade. The programme proposes action at national, regional and global levels.

4.88 The 2003-2005 Programme seeks to:

- promote, develop and strengthen democratic and human rights institutions in the developing world;
- help reduce the gap between the formal adherence of States to international human rights agreements and the actual practices of those States;
- make a contribution to peoples who are engaged in the struggle to participate and build sustainable democratic institutions and to achieve outcomes for the benefit of developing countries; and
- advance accountability of States for the implementation of their international human rights obligations.

4.89 Previous projects by Rights & Democracy include those in the general areas of international human rights advocacy and globalisation and human rights. Projects specific to the Asia Pacific region have included support for<sup>59</sup>:

- **the Asia Pacific Research Network (APRN)**, a regional research network with 29 institutional members from 16 countries, which collects and shares information on the human rights and social dimensions of economic globalisation;
- **the National Health and Education Committee, Community Addiction Recovery and Education Project (NHEC-CARE)** in establishing an addiction services programme for the ethnic population from Burma living on the Thai-Burma border;
- **Forum Asia in Bangladesh** – support to enable 25 human rights groups from South and Southeast Asia to respond more effectively to human rights violations in the region; and
- **the KPI in Indonesia** - networking and institutional support to provide groundwork for democratic development programming in the country, including the provision of support to Koalisi Perempuan Indonesia

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59 Rights & Democracy, *Annual Report -- 2000-2001*  
<http://serveur.ichrdd.ca/english/about/annualReport2000-2001.html> (National Library of Canada, third quarter 2001, ISBN: 2-922084-39-6)

Untuk Keadilan Dan Demokrasi (KPI) or Indonesian Women's Coalition for Justice and Democracy.

## The Commonwealth

- 4.90 The Commonwealth's diverse membership, its common linguistic and legal heritage and its history of involvement in political issues means the organisation can play a useful role in promoting democracy and good governance.<sup>60</sup>
- 4.91 The Human Rights Unit (HRU) of the Commonwealth Secretariat develops programmes designed to support the promotion and protection of fundamental human rights and in particular, develop educational, legislative and administrative programmes to achieve this aim.<sup>61</sup>
- 4.92 The Commonwealth promotes democracy through advocacy of democratic principles and practical action including through workshops, publications and in general to strengthen democratic values and culture.<sup>62</sup>
- 4.93 The Commonwealth Secretariat has organised the Commonwealth Oxford Conference on Human Rights Education, which adopted an agenda and framework for activities for human rights education. The Commonwealth also sponsored a three-year (1995-1997) study, *Commonwealth Values in Education: Young People's Understanding of Human Rights*, dealing with human rights education at secondary school level in 23 schools of four Commonwealth countries.<sup>63</sup>
- 4.94 Commonwealth Secretariat-supported activities in the Asia Pacific region have included<sup>64</sup>:
- Strengthening of oversight institutions (including training, policy advice and institutional development), such as ombudsman offices,

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60 <http://www.thecommonwealth.org/>

61 *Human Rights*

<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=20650&int1stParentNo deID=20639>

62 *Democracy*

<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=20645&int1stParentNo deID=20639>

63 United Nations. *United Nations Decade for Human Rights Education* (1995-2004), Fifty-fifth session, 7 September 2000, UN Document A/55/360

64 Commonwealth Secretariat. 2003. *Development and Democracy*, Report of the Commonwealth Secretary-General.

human rights bodies, anti-corruption agencies, parliamentary committees and consumer protection instruments;

- Expert assistance for electoral management in Papua New Guinea (developing appropriate electoral legislation and governance processes);
- A regional debt management adviser shared by four Pacific countries;
- Expert assistance in Nauru, Tonga and Cook Islands for developing small and medium enterprises to generate employment for women and youth; and
- Expert assistance to the Women's Textile Training Centre in Papua New Guinea to train women in garment manufacturing and assist in setting up small businesses.

## National Human Rights Institutions

- 4.95 The United Nations, in their fact sheet *National Institutions for the Promotion and Protection of Human Rights*, states that effective enjoyment of human rights calls for the establishment of national infrastructures for their protection and promotion. While the tasks of official human rights institutions may vary considerably between countries, they generally share a common purpose and so are collectively referred to as national institutions for the protection and promotion of human rights.<sup>65</sup>
- 4.96 National human rights institutions are therefore, established in compliance with the fundamental criteria set out in the United Nations 'Principles relating to the Status of National Institutions' (more commonly known as the Paris Principles)<sup>66</sup>. NHRIs complement and in many cases cooperate with NGOs on human rights education programmes.
- 4.97 National human rights institutions are accredited by the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC).

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65 United Nations, 1993, Fact Sheet No.19, *National Institutions for the Promotion and Protection of Human Rights*. Office of the United Nations High Commissioner for Human Rights, Geneva, April 1993 (<http://www.unhchr.ch/html/menu6/2/fs19.htm#intro>)

66 Annex: *Principles relating to the status and functioning of national institutions for protection and promotion of human rights* <http://www.unhchr.ch/html/menu6/2/fs19.htm#annex>

## Asia Pacific Forum of National Human Rights Institutions (APF)

- 4.98 The Asia Pacific Forum was established in 1996 following the first regional meeting of national human rights institutions from the Asia Pacific. At this meeting the institutions adopted the Larrakia Declaration which set out important principles governing the functioning of national human rights institutions. To advance these objectives, the national human rights institutions decided to establish a regional organisation, which they called the Asia Pacific Forum of National Human Rights Institutions.<sup>67</sup>
- 4.99 The Forum currently receives the majority of its funding from the United Nations Office of the High Commissioner for Human Rights (\$A820 000 in 2002), the Australian government (\$A550 000 in 2002) and the New Zealand government (\$NZ100 000 in 2002). A variety of foundations provide smaller amounts of funding for specific projects.<sup>68</sup>
- 4.100 The APF assists countries in Asia and the Pacific to set up and improve national human rights institutions and helps these institutions to cooperate on human rights issues of common concern. The APF conducts annual meetings that bring together human rights institutions, the United Nations, government and non-government organisations to consider regional approaches to addressing human rights. It also provides training on key human rights themes for staff from human rights institutions, as well as individuals from government and non-government organisations engaged in promoting and protecting human rights.<sup>69</sup>
- 4.101 The APF works with its member institutions to assist them in the implementation of their work to promote the inclusion of human rights education in national curricula. For example, the APF assisted in the development of the Fiji Human Rights Commission's National Plan of Action for Human Rights Education.<sup>70</sup>
- 4.102 DFAT discussed funding for the APF from the Australian government of \$2.4 million to date (including \$500 000 for 2002-03) which has included annual core funding for the management and administrative costs of the APF secretariat and additional funding provided for specific activities

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67 Asia Pacific Forum of National Human Rights Institutions, *About the Forum*  
<http://www.asiapacificforum.net/about/index.html>

68 Asia Pacific Forum of National Human Rights Institutions, *Funding*  
<http://www.asiapacificforum.net/about/funding.html>

69 Submission 39, DFAT, p.5.

70 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.5.

such as thematic workshops and video production.<sup>71</sup> Given the relatively modest budget of the APF this is clearly a significant component.

- 4.103 The APF is a small organisation with less than four full-time employees, and an associated operational budget of approximately \$A1.4 million. Given that the APF currently has 12 member institutions and its membership is anticipated to grow in size to 16 in the near future, this limited amount of funding is spread very thinly across the region.<sup>72</sup>
- 4.104 All APF member institutions have developed cooperative working relationships with human rights NGOs in recognition of the value of cooperative activities with civil society. This relationship was formalised by the joint adoption by the APF and regional network of human rights NGOs of the 'Kandy Declaration' in 1999.<sup>73</sup>
- 4.105 The Kandy Declaration "recognised that national human rights institutions and NGOs have different roles in the promotion and protection of human rights and that the independence and autonomy of civil society and NGOs and of national human rights institutions must be respected and upheld."<sup>74</sup>
- 4.106 It was suggested to the Committee that NGO participation in the APF needs to be enhanced. ACFOA encourages the Asia Pacific Forum to continue and expand upon the practice of providing opportunities for direct NGO involvement in the annual meetings. Suggestions to assist in this include early distribution of the annual meeting agenda to assist NGOs to prepare their input to the proceedings in advance; and recognition of the role of NGOs to be explicit in the constitution of the Asia Pacific Forum.<sup>75</sup>
- 4.107 ACFOA recommends that, as part of more effective promotion of good governance and human rights, the Australian Government prioritises support to training in implementation of international human rights standards.<sup>76</sup>
- 4.108 ACFOA also recommends that the Australian Government;

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71 Submission 39, DFAT, p.5.

72 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.6.

73 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.2.

74 *Non Government Organisations and National Human Rights Institutions, Concluding Statement, Kandy, Sri Lanka, 26-28 July 1999.*

75 Submission 23, ACFOA, p.16.

76 Submission 23, ACFOA, p.16.

- continues to provide financial assistance to the Secretariat of the Asia-Pacific Forum of NHRI for an additional three years in its transition to self-funding;
- continues to provide financial assistance to the global National Human Rights Institutions (NHRI) programme through the OHCHR Voluntary Trust Fund;
- allocates funds for a full-time permanent international human rights law adviser to service the Advisory Council of Jurists and allocates funds to support NGO participation in the Asia-Pacific Forum of NHRI and regional workshops.<sup>77</sup>

4.109 The Committee believes the APF to be a key regional institution with respect to human rights and good governance education, and noted the following statement made in the Forum's submission to this inquiry:

Multi-year funding commitments provide a secure basis for the future development, management and planning capacity of the secretariat. Without adequate and secure funding, the secretariat will not be able to effectively plan or undertake its operational activity. In addition, the negotiation and administration of single year funding commitments requires significant secretariat personnel resources that otherwise would be dedicated to project implementation. Multi-year funding commitments are therefore essential to the effective future operation of the APF.<sup>78</sup>

### **Recommendation 17**

**The Committee recommends that AusAID enter into a three-year funding commitment with the APF, to enable the APF secretariat to undertake effectively its future development, management and planning needs.**

4.110 The APF's members<sup>79</sup> are the independent national human rights institutions rather than their governments. The relationship between

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<sup>77</sup> Submission 23, ACFOA, p.16.

<sup>78</sup> Submission 14, The Asia Pacific Forum of National Human Rights Institutions, p.19.

<sup>79</sup> Full membership of the Forum is based on an institution meeting the minimum standards in the United Nations-endorsed Paris Principles. The current membership of the Forum is: Afghanistan, Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand,

individual members and their governments varies over time and is determined by the context and environment in which they are working. Historically, the APF has developed good working relationships with the governments of the region.<sup>80</sup>

- 4.111 NHRIs generally have a mandate to conduct human rights education and promotion programmes. However the APF feels that effective human rights education activities require the active input and cooperation of a wide range of government and non-government actors as it is not, and nor should it be, the sole responsibility of NHRIs. The role of NHRIs would be enhanced by strengthening their capacity to more effectively undertake human rights education and promotion activities.<sup>81</sup>
- 4.112 Recognising that their work can be ineffective when it is impacted by official governmental or judicial decisions that run counter to human rights, the APF works with its member institutions to assist them in the promotion and protection of human rights in the administration and operation of the institutions of State.<sup>82</sup>
- 4.113 NHRIs are directly responsible for the provision of education to the general public about the services they provide. This role needs to be appropriately supported by the state with the provision of adequate funding.<sup>83</sup>
- 4.114 The Australian Human Rights and Equal Opportunity Commission is the founding member of the Asia-Pacific Forum of National Human Rights Institutions and provided financial support to the Forum from 1996 to 2002 when the Forum became an incorporated public company limited by guarantee.<sup>84</sup> As a member of the APF, the Commission participates in a variety of international training and capacity building initiatives, implemented under its auspices.<sup>85</sup>
- 4.115 Some other members of the APF are described below:

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Palestinian Territories, Philippines, Republic of Korea, Sri Lanka, Thailand,  
(<http://www.asiapacificforum.net/member/index.html>)

80 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.2.

81 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.1.

82 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, pp.1-2.

83 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.1.

84 Submission 37, HREOC, p.2.

85 Submission 21, HREOC, p.19.

## Philippines Commission on Human Rights

- 4.116 The Philippines Commission on Human Rights is an independent agency created by the Philippines Constitution to promote and protect human rights. The Commission undertakes two main programmes - human rights protection and human rights promotion - through a network of 14 regional offices and six sub-regional offices.<sup>86</sup> There is also a number of flagship and special projects undertaken.
- 4.117 The Commission seeks to raise the people's level of human rights awareness through its public information; education and research; and investigative monitoring programmes. This includes activities such as collaborative programmes of government, non-government, academic, local and international institutions on human rights education; training of those in government and vulnerable sectors; curriculum development; education materials production; and a human rights resource centre.
- 4.118 The Commission was awarded the UNESCO Prize for Human Rights Education in 1994. This Prize is awarded every two years to teaching institutions, organisations or persons which have made a "particularly efficient, exemplary and genuine contribution" to the development of human rights education.<sup>87</sup>
- 4.119 Mr Kieren Fitzpatrick, from the Asia Pacific Forum of National Human Rights Institutions, indicated that the Commission won the UNESCO prize for a programme which educated the military with a view to stopping abuse by the military. He indicated that the programme was not run similarly for the police, and the comparison between the number of complaints the Commission received about violations by the police and the military, after the programme, was astounding. The police complaints were still at an excessively high level while military complaints had dropped dramatically.<sup>88</sup>

## Fiji Human Rights Commission

- 4.120 The Fiji Human Rights Commission is the organisation that is mandated by the *1997 Constitution of the Republic of the Fiji Islands* to promote and protect human rights and freedoms of all people in Fiji.<sup>89</sup>

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86 *Philippines Commission on Human Rights* <http://www.hrnow.org/chr.htm>

87 *UNESCO Prize for Human Rights Education*  
[http://www.unesco.org/human\\_rights/hrprize.htm](http://www.unesco.org/human_rights/hrprize.htm)

88 Transcript 16 May 2003, FADT 106

89 *Welcome to the Fiji Human Rights Commission* <http://www.humanrights.org.fj/>



- 4.121 The Commission promotes human rights by educating the public about the human rights guaranteed under both the 1997 Constitution and under international conventions.

### **Human Rights Commission of Malaysia - SUHAKAM**

- 4.122 The initiative to set up a national human rights institution in Malaysia began with Malaysia's active participation in the United Nations Commission for Human Rights (UNCHR) in 1993-95. In 1995 the leader of Malaysia's delegation, Tan Sri Dato' Musa bin Hitam, was elected as the Chairman of the 52nd session of the UNCHR. Malaysia will serve its third term in the UNCHR from 2001-2003.<sup>90</sup>
- 4.123 One of the main functions of SUHAKAM is to promote awareness of and provide education in relation to human rights. During 2003 SUHAKAM has been involved in such activities as a human rights workshop for police; the *Human Rights Message Through Art* competition; a workshop on rights of prisoners; and dialogue on people with disabilities.

### **The National Human Rights Commission of Korea**

- 4.124 The functions of the National Human Rights Commission of Korea include investigation, research and remedy; education and public awareness raising; cooperation with organisations and individuals engaged in the protection and promotion of human rights; and exchange and cooperation with international organisations related to human rights and human rights institutions of other countries.<sup>91</sup>
- 4.125 Major projects for the Commission in 2003 include development of a National Action Plan; legislation of an Anti-Discrimination Act; a comprehensive survey on human rights laws and regulations; response to major human rights issues; survey of the status of human rights in Korea; and development of guidelines for preventing human rights violations and discrimination.<sup>92</sup>

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90 Human Rights Commission of Malaysia *Introduction*  
<http://www.suhakam.org.my/introduction.htm>

91 National Human Rights Commission of Korea *Functions of the Commission*  
<http://www.humanrights.go.kr/eng/about/greeting/GrMission.jsp>

92 National Human Rights Commission of Korea *Major Projects*  
<http://www.humanrights.go.kr/eng/about/future/FuMainBiz.jsp>

### **National Human Rights Commission of Thailand**

- 4.126 The National Human Rights Commission of Thailand was established under the Constitution as a mechanism to observe respect for human rights.
- 4.127 The Commission's functions include promoting respect for human rights at domestic and international levels, and human rights education and research, including the dissemination of human rights information.
- 4.128 The Commission's six-year strategic plan (2002 – 2007) outlines five focus areas and eight strategies to achieve human rights culture as a way of life in the Thai society. Focus areas include children, youth and family; natural resource base and the community right; legislation and the administration of justice; social policy; and human rights education.
- 4.129 Strategies to achieve these goals include an information network, relevant knowledge (based on action-oriented research) and support for social learning processes, to raise public understanding and awareness of human rights and dignity.
- 4.130 The Office of the National Human Rights Commission supports the work of the Commission and includes the Human Rights Promotion and Network Coordination Bureau which is responsible for human rights advocacy, awareness raising and the enhancement of public understanding through human rights education, an information programme and the media.<sup>93</sup>

### **National Human Rights Commission, New Delhi, India**

- 4.131 The National Human Rights Commission was established in October 1993. The Commission's functions include undertaking and promotion of research in the field of human rights and spreading human rights literacy and promotion of awareness of the safeguards available for protection of these rights through publications, the media, seminars and other means.<sup>94</sup>

### **Te Kāhui Tika Tangata – New Zealand Human Rights Commission**

- 4.132 The Human Rights Commission administers the Human Rights Act 1993, which is based on the premise that all citizens should have fair access to the resources of their society. The Commission is required, among other

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93 Office of the National Human Rights Commission of Thailand  
[http://www.nhrc.or.th/en/about/about\\_us2.html](http://www.nhrc.or.th/en/about/about_us2.html)

94 National Human Rights Commission, India *Frequently Asked Questions*  
<http://www.nhrc.nic.in/>

things, to promote, monitor and safeguard human rights through education, activities and programmes and to publish guidelines to avoid practices inconsistent with the Human Rights Act.

- 4.133 The Commission uses education, training and instruction and the provision of advice and information to fulfil its primary functions. There are educators in the Human Rights Team and in the Race and Ethnic Relations Team who deliver education programmes within a broad strategy governed by the Human Rights Commissioners.
- 4.134 Currently the Commission has a number of education programmes running including one that provides human rights education awareness raising within the small and medium business sector; one designed to help schools put in place a programme on racial harassment and an Introductory Training Kit for the Public Sector.

#### **National Human Rights Commission, Indonesia (Komnas HAM),**

- 4.135 The Indonesian National Commission on Human Rights or Komisi Nasional Hak Asasi Manusia is commonly known as Komnas HAM.<sup>95</sup> The Commission was installed by former president Suharto in 1993 to promote the observance and protection of human rights. The Commission is directly responsible to the president, but has provided critical assessments of cases ranging from land disputes to human rights violations by the military.

#### **Advisory Council of Jurists**

- 4.136 The APF established the Advisory Council of Jurists in September 1998 to advise the APF and its member national human rights institutions on the interpretation and application of international human rights standards.<sup>96</sup>
- 4.137 The establishment of the Council reflects the Forum's recognition of the need for access to independent, authoritative advice on international human rights questions and to develop regional jurisprudence relating to international human rights standards. At a broader level, the initiative reflects the commitment of the Forum members to strengthen the effectiveness and capacity of national human rights institutions in the region to improve the promotion and protection of human rights.<sup>97</sup>

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95 *Annual Report of the Human Rights and Equal Opportunity Commission*  
[http://www.hreoc.gov.au/annrep00\\_01/chap9.html](http://www.hreoc.gov.au/annrep00_01/chap9.html) (updated 30 October 2001)

96 Submission 14, *The Asia Pacific Forum of National Human Rights Institutions*, p.16.

97 *The Advisory Council of Jurists* <http://www.asiapacificforum.net/jurists/index.html>

- 4.138 ACFOA describes the Advisory Council of Jurists as promoting human rights observance in the region by providing jurisprudential support on a regional level. The Advisory Council provides members with access to independent, authoritative advice on international human rights questions.<sup>98</sup>
- 4.139 Members of the Advisory Council of Jurists are eminent jurists who have held high judicial office or senior academic or human rights appointments. Members serve in their personal capacity independent of their governments.<sup>99</sup>

## Non-government organisations

- 4.140 There is a large number of NGOs active within the Asia Pacific region, some of which were referred to in submissions to the inquiry.

## PIANGO

- 4.141 The Pacific Islands Association of Non-Governmental Organisations (PIANGO) is a regional network of NGO coordinating bodies or focal points, based in 22 Pacific Island countries and territories, with an office in Vanuatu. PIANGO was formally established in 1991 to assist NGOs in the Pacific to initiate action, give voice to their concerns and work collaboratively with other development actors for just and sustainable human development. PIANGO's primary roles are to be a catalyst for collective action, to facilitate and support coalitions and alliances on issues of common concern, and to strengthen the influence and impact of NGO efforts in the region. PIANGO's programme areas include information technology, capacity building, coalition building and administration.<sup>100</sup>
- 4.142 PIANGO's goals include:
- to promote and enable access to information, ideas, experience and resources (including human resources) in NGOs throughout the region;
  - to enable NGOs to better understand, fulfil and develop their roles and functions, and strengthen their organisation and programme capacities;

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98 Submission 34, ACFOA, p.6.

99 Submission 34, ACFOA, p.7.

100 *Pacific Islands Association of Non-Governmental Organisations* <http://www.piango.org/>

- to assist in identifying, monitoring and analysing the needs of people in the Pacific, and ways of increasing the role of the people of the Pacific in their own development, with emphasis on women and youth; and
- to play a role in promoting a regional Pacific identity and Pacific ways of thinking and responding.

## Asia-Pacific Human Rights Network

4.143 The Asia Pacific Human Rights Network (APHRN) is a network of human rights organisations and individual activists across the Asia Pacific region which seeks to address trans-Asia Pacific human rights issues by undertaking research projects and providing input on international human rights standards and procedures.<sup>101</sup>

## HURIGHTS OSAKA

4.144 The Asia-Pacific Human Rights Information Center, or HURIGHTS OSAKA, was officially opened in Osaka city in December 1994. HURIGHTS OSAKA aims to promote human rights in the Asia-Pacific region; convey Asia-Pacific perspectives on human rights to the international community; ensure the inclusion of human rights principles in Japanese international cooperation activities; and raise human rights awareness among the people in Japan to meet its growing internationalisation. HURIGHTS OSAKA does this through information handling, research, education and training, publication and consultancy.<sup>102</sup>

## University of the South Pacific

- 4.145 Established in 1968, the University of the South Pacific (USP) attracts students and staff from throughout the Pacific Region and internationally. The University's 12 member countries are the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. USP also has agreements with more than a dozen international universities.<sup>103</sup>
- 4.146 A distance education programme supported by the University's satellite communications network, USPNet, delivers academic courses to almost half of USP's total student body throughout the member countries,

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101 *Asia Pacific Human Rights Network* <http://www.aphrn.org/About.htm>

102 *About HURIGHTS OSAKA* [http://www.hurights.or.jp/hurights/hurights\\_e.htm](http://www.hurights.or.jp/hurights/hurights_e.htm)

103 *The University of the South Pacific* <http://www.usp.ac.fj/>

supported by University Centres. The University's three major campuses are in Fiji, Vanuatu and Samoa.

- 4.147 As far as the University is aware, other than those courses offered by the USP School of Law, there are no formal courses of study on human rights in the South Pacific region, at least not with a focus on legal issues. There are, however, other informal courses or training programmes offered by NGOs and the like.<sup>104</sup>
- 4.148 The University has gained an insight into student attitudes in the Pacific with respect to human rights issues and discusses human rights regimes as being perceived as something determined by alien agendas and imposed on Pacific countries from outside. Often they are perceived as being in conflict with local cultural values and the product of some kind of imperialist tendency on the part of Western countries. This is a common perception of law itself, which is inevitably rights-based.<sup>105</sup> The University believes there are common difficulties for students to grasp the notion that the rule of law involves government by abstract or formal principles rather than by persons. The University expects that this is true in a wider social or cultural context as well, and believes this is one of the reasons why the rule of law is frequently misunderstood or attributed some alien status. The University submission also notes that attitudes towards the concept of human rights among some students seem often to be influenced by pre-conceived or pre-determined notions emanating from culture, class or race.<sup>106</sup>
- 4.149 The University notes that there was an attempt to set up a Pacific Centre for Human Rights five years ago. It describes the Centre as being largely frustrated because “particular countries felt that human rights was a matter which could be better dealt with by in-country centres or institutions ... particularly strong on the part of Fiji which was at that stage about to establish its own human rights commission”.<sup>107</sup>
- 4.150 The University submission states that the Fiji Human Rights Commission is doing a creditable job in conveying human rights education and in achieving wider attitudinal reforms on human rights issues, and that the Fiji Human Rights Commission should be strengthened and further supported by Australia.<sup>108</sup>

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104 Submission 30, University of the South Pacific, p.5.

105 Submission 30, University of the South Pacific, p.6.

106 Submission 30, University of the South Pacific, p.6.

107 Submission 30, University of the South Pacific, p.7.

108 Submission 30, University of the South Pacific, p.7.

## USP School of Law

- 4.151 The University of the South Pacific's School of Law is based in Vanuatu. It teaches the four-year Bachelor of Laws Degree and the Certificate in Law.<sup>109</sup> The School of law was established in October 1996 however USP has been offering law at pre-degree level since 1985 and at degree level since 1994.
- 4.152 The law programme at USP provides a unique environment for legal education. The focus of the programme is on law in the South Pacific region. It draws most of its students from the twelve countries in that region, but caters for students from outside the region as well. The School has a commitment to the teaching of law and undertaking legal research with a South Pacific focus. Greater flexibility has been introduced by offering courses via print based extension delivery and the Internet, to enable all students to gain access to professional legal education.<sup>110</sup>
- 4.153 The Bachelor of Laws degree is the only accredited academic programme of study which leads to admission to legal practice in the region. The School also offers sub-degree Certificate of Laws programmes which are intended to provide vocational education to persons working in law-intensive vocations.<sup>111</sup>

## Asia Foundation

- 4.154 The Asia Foundation is a private, non-government organisation supporting programmes that contribute to a peaceful, prosperous, and open Asia Pacific community. With more than four decades of experience in Asia, the Foundation collaborates with partners from the public and private sectors in the region to support, through grants and other programmes, the development of institutions, leadership, and policy in four broad programme areas: governance, law and civil society; economic reform and development; women's political participation; and international relations.<sup>112</sup> The Asia Foundation is funded by contributions from corporations, foundations, individuals, governmental organisations in the US and Asia, and an annual appropriation from the US Congress.

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109 University of the South Pacific School of Law, *About the School*  
[http://law.vanuatu.usp.ac.fj/about/about\\_en](http://law.vanuatu.usp.ac.fj/about/about_en) (Copyright 2002, University of the South Pacific)

110 University of the South Pacific School of Law, *About the School*  
[http://law.vanuatu.usp.ac.fj/about/about\\_en](http://law.vanuatu.usp.ac.fj/about/about_en) (Copyright 2002, University of the South Pacific)

111 University of the South Pacific School of Law, *About the School*  
[http://law.vanuatu.usp.ac.fj/about/about\\_en](http://law.vanuatu.usp.ac.fj/about/about_en) (Copyright 2002, University of the South Pacific)

112 *Overview, About The Asia Foundation*, <http://www.asiafoundation.org/About/overview.html>

## Philippine Human Rights Information Center (PhilRights)<sup>113</sup>

- 4.155 Established in July 1991 by the Philippine Alliance of Human Rights Advocate (PAHRA), PhilRights undertakes and disseminates human rights information, research and analyses as they are needed. As a service institution that exists for both PAHRA and the general public, PhilRights seeks to promote:
- greater awareness, knowledge and understanding of human rights conditions, issues, mechanisms and trends;
  - a stronger, more dynamic human rights movement by pooling information and analyses on human rights and related topics;
  - a higher level of information exchange through broader and more effective networking at national and international levels;
  - optimal use of information technology to increase the capability of human rights and people's organisations in promoting and defending human rights; and
  - integration of human rights into all major aspects of national life.
- 4.156 PhilRights conducts Research on issues and developments in pursuit of the principles of human rights and conducts baseline research and case studies on emerging issues in the context of human rights. The journal of PhilRights, the FORUM, is published twice a year.

## Business & Human Rights Resource Centre

- 4.157 The Business and Human Rights Resource Centre, based in London, is an independent, international, non-profit organisation, in partnership with Amnesty International and academic institutions. The Centre's website aims to promote greater awareness and informed discussion of important issues relating to business and human rights.<sup>114</sup> Their online library provides access to a range of materials on subjects relating to business and human rights. The site contains links to relevant materials published by companies, NGOs, governments, journalists, academics and others.

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113 *About The Philippine Human Rights Information Center (PhilRights)* <http://www.mtb-mrj.com/philrights.html> (<http://www.philrights.org/>)

114 *Business & Human Rights Resource Centre: A brief description*, <http://www.business-humanrights.org/AboutUs/Briefdescription>



## Human Rights Education Associates

- 4.158 Human Rights Education Associates (HREA) is an international non-government organisation, with offices in the Netherlands and the USA. HREA supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community-building through on-line technologies. HREA's work is dependent on grants and revenues from services.
- 4.159 HREA works with individuals, non-government organisations, inter-governmental organisations and governments interested in implementing human rights education programmes. HREA provides assistance in curriculum and materials development; training of professional groups; research and evaluation; organisational development; and networking with human rights education resources and professionals.<sup>115</sup>

## Electronic Resource Centre for Human Rights Education

- 4.160 HREA's Electronic Resource Centre for Human Rights Education (<http://www.hrea.org/erc/>) is a website with on-line databases and documents for human rights educators and trainers, on-line forums and links to other organisations and resources. The Electronic Resource Centre is supported by grants from the Dutch Ministry of Foreign Affairs and the Information Programme of the Open Society Institute. The materials are provided free of charge. The HRE Library contains over 1000 full-text documents, including bibliographies, curricula, textbooks, research articles, training guides and international human rights texts.

## Human Rights Internet

- 4.161 Human Rights Internet (HRI) exchanges information within the worldwide community working for the advancement of human rights, by phone, fax, mail and the Internet with more than 5 000 organisations and individuals around the world. Launched in the United States, HRI has its headquarters in Ottawa, Canada.
- 4.162 HRI seeks to accomplish "the empowerment of human rights activists and organizations, and ... the education of governmental and intergovernmental agencies and officials and other actors in the public and private sphere, on human rights issues and the role of civil society" by:

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115 *About HREA* <http://www.hrea.org/abouthrea.html>

- facilitating the application of new technologies to the furtherance of human rights through knowledge transfer and expertise;
- producing and providing access to human rights databases and a documentation centre;
- carrying out human rights research and disseminating the results;
- producing human rights resources in a variety of formats and making them available to NGOs and international institutions;
- fostering networking and cooperation among NGOs and civil society organisations to integrate human rights with social and sustainable development issues;
- strengthening civil society and NGO access to international fora; and
- supporting the role of NGOs in the promotion of civil society and assisting government and intergovernmental organisations in the application of good governance practices and the protection of human rights through technical assistance, training and educational programmes.<sup>116</sup>

### Human Rights Education Directory

- 4.163 HRI's Human Rights Education Directory (published online at <http://www.hri.ca/education>) presents information on human rights education courses around the world, outlines and syllabi, as well as textbooks and recent releases relevant to human rights education.<sup>117</sup>

### International Tolerance Network

- 4.164 The International Tolerance Network consists of several NGOs, scientists and experts from different countries in West and East Europe, Israel, Philippines, South America and the USA. This international group was brought together to build a platform for intercultural exchange, projects and research on issues of tolerance education. The initiative encourages its members to exchange their concepts, programmes, approaches, and methods.<sup>118</sup>
- 4.165 The International Network for Education for Democracy, Human Rights, and Tolerance aims to identify the best educational practice, programmes,
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116 HRI Human Rights Internet *A Brief Introduction* <http://www.hri.ca/about/intro.shtml>

117 HRI *Human Rights Education Directory* <http://www.hri.ca/education/>

118 International Network, *The Network Initiative* <http://www.tolerance-net.org/network/philosophy/initiative.html> (Updated 17-Mar-04)

concepts and models available, and exchange these within the network and promote them to the community.

- 4.166 Some of the main goals of the network initiative include bringing together world-wide experience and ideas; searching for the best educational practices; developing new and creative solutions in tolerance education; and providing a platform for intercultural learning.<sup>119</sup>

### **Lack of a regional instrument**

- 4.167 Regional human rights instruments exist for other regions internationally including Europe, the Americas and Africa however, despite numerous discussions on the topic, there is as yet no such instrument for the Asia Pacific region.
- 4.168 The UN, through the Office of the High Commissioner for Human Rights based in Geneva, has been playing a role in trying to develop a human rights arrangement for the Asia-Pacific region, by sponsoring a series of workshops attended by representatives of governments, NGOs and national institutions. To date, these workshops have been held in Manila (1990), Jakarta (1993), Seoul (1994), Kathmandu (1996), Amman (1997) and Tehran (1998).
- 4.169 At the Tehran workshop in 1998, there was unanimous agreement that technical cooperation aimed at national capacity building should be the foundation for any further move towards the establishment of a regional human rights arrangement and that regional cooperation was an essential prerequisite for such progress. It was emphasised that progress towards a regional arrangement could only be made at a pace determined within the region, by consensus.<sup>120</sup>
- 4.170 The framework for this technical cooperation programme identified four areas including human rights education, with a compendium of national plans of action, a regional government workshop on best practice on

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119 International Network, *Goals* <http://www.tolerance-net.org/network/philosophy/goals.html> (Updated 17-Mar-04)

120 UNCHR. 1998. *Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region*. Commission on Human Rights resolution 1998/44 (UN Document E/CN.4/1998/50)

national action plans, and the provision of technical cooperation for the development of national capacities for human rights education.<sup>121</sup>

4.171 Carlos P. Medina, Jr.<sup>122</sup> suggests that some form of regional human rights mechanism “can lead to a deeper understanding and more sensitive treatment of human rights issues among governments and peoples in the region ... can provide greater access to remedies for human rights violations” and can complement the UN human rights system by bringing it closer to the state level.<sup>123</sup>

4.172 Medina lists the following as some of the reasons advanced for the absence of an Asia-Pacific human rights mechanism<sup>124</sup>:

- human rights issues are considered by many states as internal affairs;
- while States accept the concept of universality of human rights, it is argued that substantial differences exist between international human rights norms and the customs and practices within the region;
- many States believe individual rights must give way to the demands of national security and economic growth, or that human rights can be realised only after a certain level of economic advancement has been achieved; and
- a single human rights mechanism cannot encompass the entire range of diversity among States within the region in terms of historical background, cultures and traditions, religions, and levels of economic and political development.

4.173 The APF states that “effective and sustainable human rights and good governance education needs, in the first instance, to be implemented domestically”<sup>125</sup>. However the Forum believes the lack of a formal governmental regional human rights mechanism in the Asia Pacific is a significant obstacle not just to the implementation of human rights

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121 UNCHR. 1998. *Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region*. Commission on Human Rights resolution 1998/44 (UN Document E/CN.4/1998/50)

122 Carlos P. Medina Jr. is the Secretary-General of the Working Group for an ASEAN Human Rights Mechanism. He is the Executive Director of the Ateneo Human Rights Center and a Constitutional Law and Human Rights Professor of the School of Law of the Ateneo de Manila University.

123 Medina, Carlos P. Jr. 2002. *Background of the Working Group for an ASEAN Human Rights Mechanism*. (<http://www.hrnow.org/asean.htm>)

124 Medina, Carlos P. Jr. 2002. *Background of the Working Group for an ASEAN Human Rights Mechanism*. (<http://www.hrnow.org/asean.htm>)

125 Submission 33, The Asia Pacific Forum of National Human Rights Institutions, p.5.

education but also to the general protection and promotion of human rights in the region.

- 4.174 HREOC suggests that although effective regional human rights mechanisms in the region would be welcomed, other measures could also be considered, such as periodic consultations among Asia-Pacific leaders about human rights; training programmes between regional, sub-regional and national levels on key human rights issues; a general approach based upon human rights being fostered in programming and education; and all activities concerning the promotion and protection of human rights - formal and informal - tested from the angle of sustainability.<sup>126</sup>
- 4.175 The Castan Centre<sup>127</sup> says that the advantage in having a regional human rights mechanism (similar to that promoted by the Working Group on the ASEAN Human Rights Mechanism - see below) is that it “brings negotiations over human rights, and the intersection of states with the international legal regime, down to a meso-level where the parties are able to better contextualise their discussions and their decision-making”. Sitting between national governments and the UN system, such a mechanism would offer regional neighbours the opportunity to exchange information and experiences, before meeting their international reporting obligations. It would need to be well-integrated into the existing international human rights law regime and should not encourage any institution to see itself as a regional substitute for the international system.
- 4.176 The Castan Centre is currently undertaking research on the questions of whether and how a regional human rights system could be established in Asia.<sup>128</sup>
- 4.177 Rather than being seen as an obstacle, the National Committee<sup>129</sup> regards consultation around a regionally appropriate human rights mechanism as an important vehicle for the advancement of human rights for all countries in the region. They suggest that Australia, without necessarily having a fixed view of the form that such a mechanism might take, should regard the current absence of a regional mechanism as an opportunity to be explored and developed, and play a lead role in encouraging discussion of regional human rights mechanisms. Being able to draw on the experience of other regions should assist in advancing an Asia-Pacific model for human rights in the region.

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126 Submission 37, HREOC, p.8.

127 Submission 40, Castan Centre for Human Rights Law, p.11.

128 Submission 40, Castan Centre for Human Rights Law, p.11.

129 Submission 28, NCHRE, p.5.

- 4.178 The Australian Government believes that, given the size and diversity of the region, it is only natural that progress in the UN workshops will take time and patience. However, Australia continues to see the workshop process as a constructive means of promoting a non-confrontational regional approach to human rights through dialogue and cooperation, including technical cooperation.<sup>130</sup>
- 4.179 The Department of Foreign Affairs and Trade describes the Asia Pacific Forum of National Human Rights Institutions, as an important mechanism for regional cooperation on human rights in the Asia Pacific region, as it assists countries in Asia and the Pacific to set up and improve national human rights institutions and to cooperate on human rights issues of common concern.<sup>131</sup>
- 4.180 The 1994 National Action Plan for Australia<sup>132</sup> says that Australia has long supported the formation of a regional human rights system along the lines of models existing in other regions. The Plan states that “Australia considers the establishment of national commissions in the region will continue to provide momentum to regional discussions on the possibility of regional arrangements and institutions for the promotion and protection of human rights”.
- 4.181 The 1995 Update to Australia’s National Action Plan<sup>133</sup> affirms that HREOC firmly supports measures to increase the effectiveness of United Nations and regional machinery for the promotion and protection of human rights, and that in this context, HREOC supports the development and operation of regional human rights organisations, recognising that they can play an important role in standard setting and institution building.
- 4.182 The 1995 Update reasserts that the most effective way to meet the objective of a regional human rights instrument and associated mechanisms is to “continue actively and effectively to promote and assist in the establishment of national human rights institutions in the region”.<sup>134</sup>
- 4.183 The Committee recognises the difficulties in developing a broad human rights instrument for the Asia Pacific region, but feels that this should not dissuade further work towards agreed mechanisms for human rights education. The human rights education action plans already prepared in

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130 DFAT, 1998. *Human Rights Manual*. Canberra, Commonwealth of Australia.

131 Submission 39, DFAT, p.4.

132 1994. *National Action Plan Australia*

133 National Action Plan, Australia, 1995 Update

134 National Action Plan, Australia, 1995 Update

the region (eg. those of Fiji and Japan, see Chapter 5) would be an ideal base on which such mechanisms could be built.

### **Recommendation 18**

**In line with the National Action Plan, the Committee recommends that Australia continues efforts to promote and assist in the establishment of national human rights institutions in the region as the most effective way to meet the objective of a regional human rights instrument and associated mechanisms.**

### **Recommendation 19**

**The Committee recommends that, through the Asia Pacific Forum of National Human Rights Institutions, Australia works towards developing consensus on definitions of human rights and good governance with the aim of promoting the development of a regional human rights education agreement.**

## **Working Group for an ASEAN Human Rights Mechanism**

- 4.184 The UN mid-term review of the Decade for Human Rights Education<sup>135</sup> suggests that in the absence of a regional human rights mechanism, opportunities should be explored within the context of the Association of South-East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the South Pacific Forum (SPF), and with the Southeast Asian Ministers of Education Organisation (SEAMEO) and the Economic and Social Commission for Asia and the Pacific (ESCAP).
- 4.185 Medina states that “it may be unrealistic to expect the establishment of an Asia-Pacific-wide human rights arrangement. However, a sub-regional mechanism, particularly within Southeast Asia, is attainable”.<sup>136</sup> The idea of a human rights mechanism encompassing the ASEAN countries may

135 UN. 2000. *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 (1995-2004)*, September 2000, UN Document A/55/360.

136 Medina, Carlos P. Jr. 2002. *Background of the Working Group for an ASEAN Human Rights Mechanism*. (<http://www.hrnow.org/asean.htm>)

then be the most achievable next step towards an Asia Pacific human rights mechanism.

- 4.186 The National Committee<sup>137</sup> also believes that Australia should consider sub-regional mechanisms in order to “provide a regional human rights kernel that might later be expanded to include other countries”.
- 4.187 Since 1996, The Asia Foundation has provided support to the Working Group for an ASEAN Human Rights Mechanism, which is comprised of prominent senior political and human rights figures from ASEAN countries. This regional body has established an on-going dialogue with ASEAN Senior Officials, and in 1998, the Working Group was formally recognised by ASEAN governments as an important vehicle for informed discussion about the possibility of establishing a formal ASEAN human rights mechanism.<sup>138</sup>

## Conclusion

- 4.188 As evidenced by the discussion in this chapter, there are many activities being undertaken in the Asia Pacific in the broad area of human rights and good governance education. This work is generally not well coordinated between states or organisations.
- 4.189 The UN’s mid-term review of the Decade noted that responsibility for human rights education was vested in a wide variety of national entities whose effectiveness varied greatly. Further, the UN recognised that while there are well-established intergovernmental regional structures, the potential of such structures to contribute to the realisation of the goals of the decade remains largely unfulfilled.<sup>139</sup>
- 4.190 The Asia Pacific Forum continues to implement worthwhile programmes despite the short-term nature of its funding. With greater surety provided by making concurrent funding available to the Forum, this work should continue in a more structured way.
- 4.191 Australia continues to support progress towards a regional human rights mechanism and to ensure that human rights education is central to any

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137 Submission 28, NCHRE, p.5

138 Working Group for an ASEAN Human Rights Mechanism  
<http://www.aseanhrmech.org/index.htm>

139 UN. *United Nations Decade for Human Rights Education (1995-2004)*, Fifty-fifth session, 7 September 2000, UN Document A/55/360, para.96 and para.129 (d)



such agreement. However, more effort needs to be applied to better  
utilise existing regional structures in meeting the goals of the Decade.



## **Progress made towards the goals of the United Nations Decade for Human Rights Education**

### **Introduction**

- 5.1 This chapter focuses on Australia's efforts towards achieving the goals of the United Nations Decade for Human Rights Education and the implications for future endeavours in this area.

### **The United Nations Decade for Human Rights Education**

- 5.2 The World Conference on Human Rights (1993)<sup>1</sup>, in the Vienna Declaration and Programme of Action, stated that human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. The Conference recommended that States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms.<sup>2</sup>

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1 UN. *Vienna Declaration and Programme of Action*, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993. UN Document A/CONF.157/23.  
2 United Nations Decade for Human Rights Education (1995-2004), *History*  
<http://www.unhchr.ch/html/menu6/1/edudec.htm#history>

- 5.3 On 23 December 1994, the United Nations formally proclaimed the United Nations Decade for Human Rights Education (1995-2004).<sup>3</sup> The General Assembly's Plan of Action for the Decade put forward the following objectives (also termed 'components'):
- The assessment of needs and the formulation of effective strategies for the furtherance of human rights education at all school levels, in vocational training and formal as well as non-formal learning;
  - The building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels;
  - The coordinated development of human rights education materials;
  - The strengthening of the role and capacity of the mass media in the furtherance of human rights education;
  - The global dissemination of the Universal Declaration of Human Rights in the maximum possible number of languages and in other forms appropriate for various levels of literacy and for the disabled.<sup>4</sup>
- 5.4 The UN Guidelines for the Decade for Human Rights Education also suggest a series of steps towards the implementation of a national plan for human rights education such as:
- establishing a national committee for human rights education;
  - conducting a baseline study;
  - setting priorities and identifying groups in need;
  - developing the national plan;
  - implementing the national plan; and
  - reviewing and revising the national plan.<sup>5</sup>
- 5.5 In respect to the goal of building and strengthening human rights education at the national and local levels, the UN urged member states to establish 'focal points' (national committees) for human rights education
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3 United Nations resolution 49/184 of 23 December 1994.

4 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.

5 UN. *Human Rights Questions, Including Alternative Approaches For Improving The Effective Enjoyment Of Human Rights And Fundamental Freedoms*, Report of the Secretary-General, Addendum: *Guidelines for national plans of action for human rights education*, 20 October 1997, UN Document A/52/469/Add.1.

and establish resource and training centres for human rights education. It also envisaged that a key task for the proposed 'focal points' would be to develop 'national plans of action for human rights education' containing specific objectives, strategies and programmes for the enhancement of human rights education at all levels: schools, higher education, training for public officials and non-formal learning (including general public information).<sup>6</sup>

- 5.6 Hurights Osaka describes the United Nations' Decade of Human Rights Education (1995-2004) as having provided much-needed support to the region.

This Decade gave governments the chance to see human rights education from a more positive light. For the NGOs, the Decade legitimized their programmes. Human rights education was no longer seen simply as a means to foster dissent against the government, but as a means to protect the rights of victims of human rights violations such as the women, children and other marginalized and vulnerable sectors of society. The series of UN world conferences from Rio to Copenhagen constituted another important boost to the recognition of human rights across many issues. The widened scope of human rights provided the space for the three sectors (NGO, national human rights institution, and the government) to work together in human rights education.<sup>7</sup>

## Progress

### Mid-term global evaluation of progress

- 5.7 In 2000, the United Nations undertook a mid-term global evaluation of progress made in the first five years of the United Nations Decade for Human Rights Education towards the achievement of the objectives<sup>8</sup>. The aim of the evaluation was to take into account all available information on

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6 UN. *Human Rights Questions, Including Alternative Approaches For Improving The Effective Enjoyment Of Human Rights And Fundamental Freedoms*, Report of the Secretary-General, Addendum: *Guidelines for national plans of action for human rights education* UN Document A/52/469/Add.1.

7 Submission 29, Asia-Pacific Human Rights Information Center, p.3.

8 UN. *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 (1995-2004)* September 2000, UN Document A/55/360.

what had been accomplished at the international, regional, national and local levels, identify remaining shortcomings and needs, and make recommendations for action during the five remaining years of the Decade. This review revealed that local and national human rights education initiatives and activities tended to address both national and regional concerns, issues, needs and priorities and so presented the results at a regional level.

- 5.8 The review was not overly optimistic about the level of progress that had been made in the region in meeting the goals of the decade. The NCHRE argues that the UN's view that 'generally speaking governments have a long way to go in responding to the Decade', is true of Australia and most countries in the region.<sup>9</sup>
- 5.9 Only a limited number of responses to the mid-term review questionnaire were received within the Asia Pacific region, a trend reflected globally, and so the report focuses on comparative and conceptual analysis of the information gathered rather than naming countries and national entities. This approach aims to compensate for "the incompleteness of the picture of the efforts, achievements and shortcomings in the various regions".
- 5.10 At the time of the mid-term review, a number of countries in Asia and the Pacific had taken steps to create legal and institutional support for the Decade, with four countries having established national committees for human rights education<sup>10</sup>. Only two countries were reported to have adopted national action plans and one country with a national committee was in the process of drafting a plan. In most countries, non-government organisations were not involved in the development of national plans of action but took part in their implementation. There were no adequate reports on the extent of implementation of the existing national plans of action or of any human rights education programme by Governments in the region.
- 5.11 The mid-term review acknowledged national human rights institutions played a significant role in national activities for human rights education by producing education materials, involving government officials in education workshops, providing ideas on the development of national plans of action and developing awareness-raising programmes for the general public. However, the report noted that collaboration between

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9 Submission 28, NCHRE, p.3

10 UN. *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 (1995-2004)* September 2000, UN Document A/55/360, p.10

these national institutions and intergovernmental agencies did not occur on a regular basis.

5.12 The review also showed that international non-government organisations concentrate largely on the human rights issues that relate to their own mandate, and carry out generic work on human rights awareness to increase support for their particular concerns<sup>11</sup>.

5.13 One of the needs identified by the review was for better networking between national (government and non-government) entities and intergovernmental organisations, as well as cooperation, consultation and participation in human rights advocacy efforts<sup>12</sup>. The review observed that while many activities for human rights education exist independently of national plans of action, there is a strong correlation between the level of participation by various sectors of society in the development of a plan and its effective implementation.

5.14 A telling trend identified by the review was that:

The occasion of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights ... appears to have had a greater catalytic impact on the United Nations system than has the Decade<sup>13</sup>.

## Other views on progress

5.15 The less than optimistic view seen in the mid-term review of the Decade for Human Rights Education, is reflected in a number of submissions received by the Committee.

5.16 The National Committee described the Decade as having “simply initiated the contribution that human rights education potentially can make to a world which is more peaceful and which better respects and protects human rights for all individual members of the human family”.<sup>14</sup>

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11 UN. *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 (1995-2004)* September 2000, UN Document A/55/360, p.19

12 UN. *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 (1995-2004)* September 2000, UN Document A/55/360, p.12

13 UN. *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 (1995-2004)* September 2000, UN Document A/55/360, p.19

14 Submission 28, NCHRE, p.4.

- 5.17 Hurights Osaka claims that the fact that many countries do not have national human rights education action plans, has contributed to the goals of the Decade not having been fulfilled, through the lack of components such as national focal points, training programmes, teaching and learning materials and cooperation between NGOs and governments. However, Hurights Osaka suggests there is still room to urge countries to undertake the proposed measures, as they have not withdrawn support for human rights education.<sup>15</sup>

## **Australia's progress in meeting the goals of the decade**

- 5.18 Despite Australia having proposed the establishment of the Decade for Human Rights Education ten years ago<sup>16</sup>, the NCHRE argues that "Australia cannot be said to be leading in terms of pursuit of the goals of the Decade as compared to others in the region"<sup>17</sup>.
- 5.19 The National Committee further stated that to its knowledge, no country of the region has in place comprehensive human rights education plans and programmes as envisaged pursuant to the Decade. In fact the National Committee's proposal to set up a National Centre for Human Rights Education (discussed in Chapter 3) had been supported by various HR Commissioners in the region so as to lend leadership and support on human rights education to the region.<sup>18</sup>
- 5.20 ACFOA concurs with the observations of NCHRE regarding the adequacy of the promotion of the Decade in the region by the UN and leading aid donors such as Australia, and with the comparison of Australia to other countries in the region, in terms of progress towards achieving the goals of the Decade:

It is unfortunate that given the position of Australia in the region, greater initiative has not been shown in pursuing and collaborating on regional strategies as part of the decade of Human Rights Education goals.<sup>19</sup>

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15 Submission 29, Asia-Pacific Human Rights Information Center, p.18

16 Kazunari Fuji, 2003 'UN Decade for Human Rights Education: Report of the 59<sup>th</sup> Session of the UN Commission on Human Rights', Soka Gakkai International (SGI) UN Liaison Office, Geneva, p.6

17 Submission 28, NCHRE, p.3.

18 Submission 28, NCHRE, p.3.

19 Submission 34, ACFOA, p.6.



- 5.21 The Human Rights Council of Australia contends that the Australian Government took considerable time to act on the Decade and while it supported the establishment of the national committee, it has provided only limited resources.<sup>20</sup>
- 5.22 The Committee believes that it is important to evaluate Australia's progress against the UN's stated goal of "building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels", as this directly relates to activities by national governments.
- 5.23 As noted previously, in meeting this goal, the UN urged national governments to establish '*focal points*' (national committees) for human rights education and establish *resource and training centres* for human rights education. It was also envisaged that a key task for the proposed '*focal points*' would be to develop '*national plans of action for human rights education*' containing specific objectives, strategies and programmes for the enhancement of human rights education at all levels: schools, higher education, training for public officials and non-formal learning (including general public information). Lastly, the focal point would commission or conduct a *baseline study or needs assessment* to determine local and national needs.<sup>21</sup>
- 5.24 The establishment of the NCHRE in 1998, some years after the commencement of the Decade, met one of the criteria for meeting this goal.
- 5.25 Australia has not met the remaining three components called for in the goal, specifically the establishment of a resource and training centre for human rights education and the development and implementation of a national plan of action for human rights education. Although a national centre for human rights education has been proposed by the NCHRE, the Committee was not presented with any evidence of progress on this initiative, nor has the Committee received evidence of progress in developing a discrete national plan of action for human rights education (this plan would be more targeted than the Action Plan on Human Rights which is currently being prepared, and is discussed in more detail below).

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20 Submission 32, The Human Rights Council of Australia, p.1.

21 UN. *Human Rights Questions, Including Alternative Approaches For Improving The Effective Enjoyment Of Human Rights And Fundamental Freedoms*, Report of the Secretary-General, Addendum: *Guidelines for national plans of action for human rights education*, 20 October 1997, UN Document A/52/469/Add.1.

In respect to the third component, the Committee has already recommended the conduct of a baseline study in Chapter 2.

5.26 It is clear, as indicated in Chapter 3, that there is no real strategic and coordinated effort in respect to human rights and good governance education. This is pertinent to both domestic efforts, and to Australia's regional efforts.

5.27 This absence of a strategic and coordinated approach to human rights education in Australia has been acknowledged previously. In a submission addressing the *Australian Government's International Human Rights Policy and Activities 1994-5*, the Department of Foreign Affairs and Trade stated that:

... although there is a wide variety of educational activities in Australia on issues such as non-discrimination, tolerance, cultural diversity, ethics and social justice, there is no coherent program of human rights education.<sup>22</sup>

5.28 The Committee concurs with the observation made by the NCHRE that this statement remains applicable as a description of human rights education in Australia today.<sup>23</sup>

5.29 The Committee has highlighted the lack of a discrete national action plan for human rights education, which would make a considerable contribution to providing the necessary coordination.

5.30 In respect of facilitating the sharing of information and experiences regarding human rights education, the United Nations Association of Australia suggested that:

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.'<sup>24</sup>

5.31 The NCHRE pointed to a lack of coordination and relevant data which hampers education efforts, arguing that:

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22 Submission by DFAT, *The Australian Government's International Human Rights Policy and Activities 1994-1995*, September 1996, p. 21, cited in Submission 22, NCHRE, p.16.

23 Submission 22, NCHRE, p.16.

24 Transcript, 19 June 2003, FADT 169

There is an absence of any overall national coordination in human rights education. Compounding this lack of coordination is the absence of comprehensive and up to date bodies of data analysing the state of human rights education in the country. The lack of such data is a critical weakness in efforts to carry forward human rights education initiatives.<sup>25</sup>

- 5.32 As stated above, in regard to school programmes, the Australian Government works through Commonwealth/State cooperative mechanisms, such as the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), in order to arrive at common agreed principles on which to base education efforts. This has influenced how HREOC has approached the development of education programmes, resulting in the internet based approach which can be easily accessed by teachers and incorporated into lesson plans.<sup>26</sup>
- 5.33 A number of proposals to address coordination of human rights and good governance education efforts were put to the Committee in the course of the inquiry.
- 5.34 In respect to programmes for primary and secondary schools, the UN Association of Australia recommended that more funds be provided for the development of school curricula and that a national coordinator be established for human rights education programmes in schools.<sup>27</sup>
- 5.35 The Castan Centre pointed to the informal teaching and research networks that have built up between various human rights and good governance educators in the tertiary education sector which highlights cooperation in this sector. This includes teaching personnel from different institutions coming together through consultancies for standalone projects (such as AusAID projects)<sup>28</sup>
- 5.36 The Committee notes that meeting the guidelines outlined by the UN would greatly enhance human rights and good governance education efforts. It would provide the necessary strategic view and coordination, as well as a level of consistency, more efficient use of resources, and sharing of knowledge on better approaches to human rights and good governance education.

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25 Submission 22, NCHRE, pp.16-17.

26 Submission 37, HREOC, p.3.

27 Submission 11, UNAA, p.4.

28 Submission 40, Castan Centre for Human Rights Law, p.7.

## National Committee for Human Rights Education

- 5.37 As noted, a central initiative of the Decade was for countries to establish a National Committee for Human Rights Education as part of the overall objective of formulating a National Action plan for Human Rights Education.<sup>29</sup>
- 5.38 In December 1998, the Attorney General announced the establishment of a National Committee for Human Rights Education (NCHRE). The NCHRE has 23 members, and is Australia's focal point for the Decade for Human Rights Education.<sup>30</sup> The secretariat and membership operate on a voluntary basis.
- 5.39 On its establishment, the NCHRE had a very extensive work-plan set out which reflected the criteria put forward by the UN. This included<sup>31</sup>:
- conducting a comprehensive audit of human rights education needs of the Australian community;
  - identifying and assessing current initiatives in human rights education;
  - developing a national action plan for human rights education in Australia, focussing on priority needs;
  - providing assistance in the development of comprehensive and effective human rights education programmes in priority areas, in consultation with education delivery agencies;
  - developing effective communication strategies for human rights education;
  - communicating with international agencies and counterparts in other countries to make available best techniques and resources;
  - supporting human rights education initiatives addressing Asia-Pacific needs;
  - developing effective partnerships between Government, business and community sectors;

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29 UN. *Human Rights Questions, Including Alternative Approaches For Improving The Effective Enjoyment Of Human Rights And Fundamental Freedoms*, Report of the Secretary-General, Addendum: *Guidelines for national plans of action for human rights education*, 20 October 1997, UN Document A/52/469/Add.1.

30 Submission 22, NCHRE, p.8-9.

31 Office of the UN High Commissioner for Human Rights. 2002. *Summary of national initiatives undertaken within the Decade for Human Rights Education (1995-2004)*. Information on Australia provided by the Human Rights Branch of the Commonwealth Attorney-General's Department, 17 July 2003 (<http://www.unhchr.ch/html/menu6/1/initiatives.htm#asia>).

- reviewing implementation and reporting progress.
- 5.40 Since its inception, the NCHRE has undertaken a range of activities, notably: launching the *Citizenship for Humanity* programme; carrying out a study of human rights education in China; hosting the 2002 National Strategic Conference on Human Rights Education; and developing a national network of state and territory human rights education associations and entities.<sup>32</sup>
- 5.41 The NCHRE has been successful in attracting cooperation from a range of government, educational and private sector agencies and organisations. In 2001, the NCHRE established the Australian Human Rights Education Fund (which has tax deductible status) for the specific purpose of attracting gifts from the private and public sector for human rights education initiatives.
- 5.42 The NCHRE informed the Committee that it had been provided with a total of \$30 000 funding from the Commonwealth Attorney General's Department, including seed funding and on-going additional funding. In addition, it had received \$10 000 from Rio Tinto to assist in hosting the annual conference in 2002.<sup>33</sup>
- 5.43 However, given the extensive work-plan provided to the NCHRE and the high public expectations, adequate and on-going funding is a priority for the National Committee.
- 5.44 The Government considers that funding should not be drawn solely from the Commonwealth and that the NCHRE should source funding from a range of private and public sectors.<sup>34</sup> NCHRE informed the Committee that efforts to attract corporate sponsorship are well advanced, including the production of a fund raising brochure. Senior members of the NCHRE are taking a lead role.<sup>35</sup>
- 5.45 While Government and private sector funding was welcomed by the NCHRE, it was strongly suggested to the Committee that present funding was inadequate considering the aims of the NCHRE. The NCHRE stated that the provision of sufficient funds to establish a full time secretariat would greatly improve efforts at promoting human rights education. Beyond that, funding to allow the NCHRE to take a more active regional

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32 Submission 22, NCHRE, pp.9-10.

33 Transcript, 3 April 2003, FADT 28.

34 Submission 37, HREOC, p.1.

35 Transcript, 3 April 2003, FADT 28.

role is also required.<sup>36</sup> The Committee was told that the NCHRE, within their budget, has no funding at all for any form of travel and that on their study tour of China in 2002 members funded their own travel costs.<sup>37</sup> The lack of funding precludes the NCHRE from effective engagement in such activities as the bilateral human rights dialogues between Australia and China, Iran and Vietnam, where the NCHRE considers human rights education to be a key issue.<sup>38</sup>

5.46 Chief Justice Malcolm clearly highlighted the ramifications of inadequate funding, suggesting that the National Committee:

...is operating literally on a shoestring basis, and there is a grave danger that it will eventually be perceived simply as window dressing and not as a substantive commitment by government or parliament to truly support, encourage and properly fund a national programme of human rights education.<sup>39</sup>

5.47 The Committee believes that the establishment of a National Committee fulfils one of the key requirements of the UN Decade and is a positive and worthwhile initiative. The Committee also appreciates the need for the NCHRE to seek funding from a range of public and private sources and is pleased that they are actively seeking private sector funding.

5.48 However, the initial work plan of the NCHRE was ambitious and has raised high expectations. Given the evidence provided to the Committee, it appears that the combination of an ambitious work plan, limited core funding and a reliance on a volunteer committee and secretariat has created a situation in which it will be very difficult for the NCHRE to succeed. If the NCHRE is to fulfil the role expected of it, as outlined in the work-plan, it requires adequate core funding to establish a permanent secretariat and to better fulfil the role envisaged for it.

5.49 To ensure that at least the initial work plan is fulfilled, the Committee supports limited further assistance for the NCHRE, in the form of provision of base funding provided on the basis that appropriate budgetary and appointment guidelines are developed. In particular, procedures for the appointment of members should ensure that such appointments are transparent, objective, representative and credible.

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36 Submission 22, NCHRE, p.11.

37 Transcript, 3 April 2003, FADT 28.

38 Transcript, 3 April 2003, FADT 28.

39 Transcript, 3 April 2003, FADT 31.

## Recommendation 20

**That the Government consider providing the National Committee for Human Rights Education with base funding, adequate to establish a modest full-time secretariat and fulfil the 1998 work-plan, on the basis of production of appropriate budgetary and appointment guidelines.**

### National Plan of Action for Human Rights Education

5.50 As indicated above, a key task for the NCHRE is the development of a national plan of action for human rights education.

5.51 The UN proposed a number of principles for national action plans and suggested governments should develop national action plans for human rights education that:

- promote respect for and protection of all human rights through educational activities for all members of society;
- promote the interdependence, indivisibility and universality of human rights;
- integrate women's rights as human rights in all aspects of the national plan;
- recognise the importance of human rights education for democracy, sustainable development, the rule of law, the environment and peace;
- recognise the role of human rights education as a strategy for the prevention of human rights violations;
- encourage the analysis of chronic and emerging human rights problems, which would lead to solutions consistent with human rights standards;
- foster knowledge of and skills to use global, regional, national and local human rights instruments and mechanisms for the protection of human rights;
- empower communities and individuals to identify their human rights needs and to ensure that they are met;
- develop pedagogies that include knowledge, critical analysis and skills for action furthering human rights;
- promote research and the development of educational materials to sustain these general principles; and

- foster learning environments free from want and fear that encourage participation, enjoyment of human rights and the full development of the human personality.<sup>40</sup>
- 5.52 The Committee was most interested in ascertaining what progress had been made in developing a national action plan for human rights education, considering that the Decade for Human Rights Education will be over in 2004.
- 5.53 At the time the last report to the Office of the UN High Commissioner for Human Rights was provided by the Commonwealth Attorney-General's Department, no national Plan of Action for human rights education had been developed.<sup>41</sup> Moreover, in the course of the inquiry the Committee was not presented with any evidence indicating any solid progress towards a national action plan for human rights education, as called for in the UN Decade. The Committee notes that countries such as Fiji, with less resources and capacity, have managed to produce a National Action Plan for Human Rights Education before Australia has even begun the process.
- 5.54 The Committee also notes that there appears to be a debate as to responsibilities in this area between the Attorney General's Department and the NCHRE, as to who is responsible for developing a national plan for human rights education. The Attorney General's Department envisaged that the recommendations flowing from the 2002 *National Strategic Conference on Human Rights Education*, which was organised by the NCHRE, would provide a framework for developing a coordinated national human rights education strategy. Further, the Department suggests that HREOC and the NCHRE are the appropriate bodies for developing a national plan.<sup>42</sup> However, the NCHRE indicated that inadequate funding has precluded them from developing a national plan.
- 5.55 The Committee notes that a working group, comprised of government departments and agencies has been meeting since 1999 to develop a new National Action Plan for Human Rights (as opposed to human rights education). The Australian Government recently announced its approval of the draft plan which will be finalised following consultation with State
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40 UN. *Human Rights Questions, Including Alternative Approaches For Improving The Effective Enjoyment Of Human Rights And Fundamental Freedoms*, Report of the Secretary-General, Addendum: *Guidelines for national plans of action for human rights education*, 20 October 1997, UN Document A/52/469/Add.1.

41 Office of the UN High Commissioner for Human Rights. 2002. *Summary of national initiatives undertaken within the Decade for Human Rights Education (1995-2004)*. Information on Australia provided by the Human Rights Branch of the Commonwealth Attorney-General's Department, 17 July 2003 (<http://www.unhcr.ch/html/menu6/1/initiatives.htm#asia>).

42 Submission 37, HREOC, p.1.



and Territory governments, the Human Rights and Equal Opportunity Commission, and non-government organisations. The plan will then be published and lodged with the United Nations<sup>43</sup>.

- 5.56 The Committee strongly recommends that in lieu of the development of a discrete national action plan for human rights education, that human rights education be given a prominent place in the draft action plan. However, this is considered a second best option in respect to a specific national action plan for human rights education.
- 5.57 The UN Decade concludes at the end of this year. It is unacceptable that to date a discrete national plan for human rights education has not been developed. In the course of the inquiry, the Committee was not provided with any information or explanation as to why a plan has not been developed. Therefore the committee can only assume that a range of factors including lack of funding, poor coordination between agencies and a lack of commitment has retarded progress. As such, the Committee recommends that the development and implementation of a discrete national plan of action for human rights education be a priority for the Government and the NCHRE.

### Recommendation 21

**That the development of a discrete National Plan of Action for Human Rights Education be a priority for government, HREOC and NCHRE and that adequate funding be made available for this task.**

### National Centre for Human Rights Education

- 5.58 As noted, the UN has called for national governments to establish resource and training centres to support human rights education. The NCHRE argues that while it will continue with cooperative ventures, 'it is clear that the acceleration of human rights education activities within Australia requires the funding of an agency such as a National Centre for Human Rights Education'. Detailed information on the proposal is scarce. According to NCHRE the mandate for the Centre would focus on

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43 Joint Media Release 50/2004, *Draft Action Plan on Human Rights Approved*. (Attorney-General, The Hon Philip Ruddock MP; Minister for Foreign Affairs, The Hon Alexander Downer MP) 26 April 2004.

‘catalysing human rights education work around Australia’,<sup>44</sup> with a significant outreach to the Asia-Pacific.<sup>45</sup>

- 5.59 NCHRE suggests that the Centre be established with capital funding sufficient for an initial ten-year operating period sourced from government and private sources on a dollar for dollar basis.<sup>46</sup> The NCHRE estimates that the centre would require a budget of at least \$300 000 per year, or a capital fund of \$5 million to enable its operations to be realistic.<sup>47</sup> Funding would be used for establishing a permanent<sup>48</sup> secretariat and carrying out research and awarding scholarships to those working in the field of human rights education.<sup>49</sup> The NCHRE did not specify a location for the proposed centre, although it is envisaged that it would operate in conjunction with a major Australian university and universities will be invited to tender for the centre to be sited within their ambit<sup>50</sup>. The Attorney General’s Department indicate that the NCHRE has developed a proposal and is liaising with the Department in terms of further developing the proposal.<sup>51</sup>
- 5.60 NCHRE indicated it had received positive feedback from NGOs and other human rights institutions. However, the proposal received a mixed response from other agencies and organisations engaged in human rights education who participated in this inquiry.
- 5.61 The Diplomacy Training Programme (DTP) supported the proposal suggesting that it ‘would be a valuable indication of the value attached by Australia to human rights education’ and that they would welcome the opportunity to be involved in providing input to the development of the centre’s work.<sup>52</sup> The DTP indicated that a national centre would assist them by being a repository of relevant and up to date information on best practice in human rights education at the national, regional and international level. It would also facilitate access to academics and practitioners, and assist the DTP to enhance its programmes and increase its collaborations with others in the field of human rights and good governance education.<sup>53</sup>
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44 Submission 22, NCHRE, p.11.

45 Submission 22, NCHRE, p.18.

46 Submission 22, NCHRE, p.8.

47 Submission 22, NCHRE, p.17.

48 Submission 22, NCHRE, p.18.

49 Submission 22, NCHRE, p.11.

50 Submission 22, NCHRE, p.18.

51 Submission 44, Attorney General’s Department, p.3

52 Submission 35, Diplomacy Training Program, p.1.

53 Submission 35, Diplomacy Training Program, p.1.

- 5.62 ACFOA also indicated their support for the proposal. ACFOA highlighted a number of issues that should be considered in the mandate for the proposed centre:
- engagement with multilateral and international initiatives to promote human rights;
  - participation in regional human rights education programmes;
  - close collaboration with current human rights research bodies; and
  - the level of autonomy and independence of the proposed centre.<sup>54</sup>
- 5.63 The Committee believes that if a National Centre was established, it should assist in the training of human rights educators.
- 5.64 The Castan Centre for Human Rights Law gave qualified support to the proposal, noting that there is a ‘genuine need for a national forum of some kind to improve knowledge exchange between key players in human rights education’, which would ‘assist improvements in both the method and substance of human rights teaching and research and, through that, positive human rights outcomes in Australia and the region’.<sup>55</sup>
- 5.65 The Castan Centre argues that the final form such a body should take—a national centre for human rights education and/or a national coordination council and/or a national policy consultation—is not clear. However, the Castan Centre indicated their support for a national centre for human rights education ahead of the other institutions mentioned. Nevertheless, the Castan Centre cautioned that a number of issues remain to be resolved in regard to the potential effectiveness and efficiency of such a centre particularly in terms of the administrative burden.<sup>56</sup>
- 5.66 In contrast, Australian Lawyers for Human Rights indicated they were ‘not immediately supportive of the proposal’ and raised a number of concerns. ALHR believe that the proposal raises questions about the future role of HREOC. In addition, they contend that no national centre should be supported without strong support from the relevant sectors and stakeholders such as NGOs, the education sector, State and Territory governments and discrimination bodies and HREOC. Finally, even if such

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54 Submission 34, ACFOA, p.3.

55 Submission 40, Castan Centre for Human Rights Law, p.1.

56 Submission 40, Castan Centre for Human Rights Law, p.1.

support is available, the proposal should not be promoted without serious consideration of its long term financial viability and effectiveness.<sup>57</sup>

- 5.67 In light of the proposed National Centre, the Committee was interested in how it aligned with the ALHR's *Australian Human Rights Project* in terms of its researching of effective and viable models for a national approach to human rights advocacy and education. ALHR suggested that the *Australian Human Rights Project* will lead to an understanding of the perceived need in the relevant sectors, from which will come a considered proposal that has been developed in consultation with and with the support of stakeholders.<sup>58</sup>
- 5.68 Similarly, the Centre for Democratic Institutions was not sure of the role for a national centre for human rights education in light of other proposals such as a national policy consultation (discussed below). CDI argues that an existing body such as HREOC may be able to take on the role of facilitating the sharing of information and ideas, and is wary of allowing proposals such as the national centre or the national policy consultation to claim a coordination role as it may add another layer of bureaucracy to decision making.<sup>59</sup>

## National Policy Consultation

- 5.69 Another recommendation aimed at enhancing coordination called for the Commonwealth Government to host a National Policy Consultation involving federal and state government agencies and civil society representatives to consult on the steps required to pursue effective, coordinated human rights education in Australia.<sup>60</sup>
- 5.70 The NCHRE proposed the initiative in the context of the unmet priority of developing a national policy framework for human rights education which includes comprehensive coverage of relevant sectors, including the formal education sector.<sup>61</sup> The NCHRE argues that, for example, 'significant inroads have yet to be made into the consciousness of policy makers in the educational sector at the federal level as to the importance of human rights education and the framework provided by the UN Decade for Human Rights Education'. The goal of such a consultation would be

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57 Submission 36, Australian Lawyers for Human Rights, p.1.

58 Submission 36, Australian Lawyers for Human Rights, p.1.

59 Submission 38, Centre for Democratic Institutions, p.1.

60 Submission 22, NCHRE, p.4.

61 Submission 22, NCHRE, p.24.

the development of a national framework for the elaboration of human rights education in Australia and the region.<sup>62</sup>

- 5.71 In contrast to the proposed national centre for human rights education, this proposal attracted a generally positive response.
- 5.72 ACFOA indicated that the proposal was welcomed and would be a 'valuable initiative as part of a holistic approach to engage civil society on issues promoting human rights and good governance'. ACFOA also suggests that such a consultation should not be restricted to representatives from Australia but should be open to the wider Asia Pacific region and that similar overseas consultations and forums be studied prior to launching this initiative.<sup>63</sup>
- 5.73 ACFOA also highlighted the need for increased cooperation between human rights institutions in Australia to address issues such as identifying and documenting the 'shared objectives' and collective knowledge of Australia's human rights institutions. Enhanced cooperation does, however, require increased or additional funding. ACFOA suggests that the role of a 'coordination council' for human rights institutions could be similar to the proposed national centre for human rights education.<sup>64</sup>
- 5.74 ALHR indicated that such an initiative would be useful depending on the methodology and the real intended outcomes. In their view a conference format would not be suitable as a form of consultation and suggested that HREOC might undertake an inquiry into the issue. They suggested that possible goals for a consultation on human rights education would be an agreement on goals, strategies and responsibilities for human rights education in Australia.<sup>65</sup>
- 5.75 ALHR suggested that this 'exercise might better have been undertaken at the beginning of the Decade'.<sup>66</sup>
- 5.76 The Centre for Democratic Institutions expressed support for a consultation as useful means of exchanging information and looking for better ways of working with others in the field. However, they reiterated the caution that such a consultation should not 'claim a coordination role

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62 Submission 28, NCHRE, p.1.

63 Submission 34, ACFOA, p.4. For example, the *Regional Response to the UN Decade for Human Rights Education*, Nepal, 1999, organised by Forum Asia and the Asian Regional Resource Centre for Human Rights Education.

64 Submission 34, ACFOA, p.5.

65 Submission 36, Australian Lawyers for Human Rights, p.2.

66 Submission 36, Australian Lawyers for Human Rights, p.2.

as that could complicate matters by adding an additional layer of bureaucracy to decision making'.<sup>67</sup>

5.77 The Castan Centre suggested that a national policy consultation would provide a 'snapshot' of human rights and good governance education in the region and would be helpful in starting other initiatives. However, the Castan Centre doubted a consensual policy position would eventuate from such an exercise.<sup>68</sup>

5.78 Furthermore, the Castan Centre advised against establishing a 'peak policy body'. Citing significant differences between key stakeholders in how human rights law and policy is interpreted in Australia and internationally, the Castan Centre argued that:

Arriving at a coordinated, unified policy position, while retaining broad stakeholder base, would be extremely difficult and a questionable use of resources.<sup>69</sup>

5.79 Given this caveat, the Castan Centre suggested that consolidation around an issue on which shared objectives are possible, such as education, is a more positive initiative.<sup>70</sup>

## Conclusion

5.80 There is obviously a need for coordination frameworks to provide direction and assist with the better use of resources, avoiding duplication, and sharing of knowledge and experiences. Such coordination should attempt to bring together all parties involved in human rights education in Australia, in an effort to combat the divergence between the players and the confusion this leads to in achievement of the goals of the Decade.

5.81 The establishment of a national centre for human rights education and the conduct of a policy consultation, along with the development of a national plan of action for human rights education, would fulfil one of the key goals of the Decade which calls for national governments to establish 'focal points' (national committees), and a resource and training centre for human rights education.

5.82 The Committee agrees with the observation by ALHR that the issue of coordination of human rights and good governance education initiatives

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67 Submission 38, Centre for Democratic Institutions, p.1.

68 Submission 40, Castan Centre for Human Rights Law, p.7.

69 Submission 40, Castan Centre for Human Rights Law, p.2.

70 Submission 40, Castan Centre for Human Rights Law, p.2.

should have been addressed at the beginning of the UN Decade for Human Rights Education in 1995.

- 5.83 However there is a range of views on these matters which merit further consideration.
- 5.84 It does not reflect well on Australia's efforts in the fields of human rights and governance that these processes are not progressed. The Committee notes that the role played by HREOC in human rights education is an important one in Australia, and the Committee supports HREOC's continuing focus and responsibility in this area. The Committee recognises that HREOC's role in human rights education can only be effective if there is appropriate funding for them to continue.

## Recommendation 22

**That a National Policy Consultation, involving Federal and State government and civil society, be convened by HREOC and supported by the Attorney General's department. The consultation should be centred the issue of education, and aim for agreement on goals, strategies and responsibilities to advance human rights education in Australia and the region.**

## National Action Plans for Human Rights Education: Progress made by other national governments

- 5.85 Within the Asia Pacific region, there are increasing numbers of government programmes on human rights education. According to Hurights Osaka, the Philippines, Thailand, Indonesia and Pakistan have adopted or are developing national human rights education action plans, as has Hurights Japan itself<sup>71</sup>. Many local governments in Japan have developed their own local human rights education action plans and established human rights centres which function, at least, as sources of basic information on human rights and related domestic legislations. A number of other countries have either incorporated human rights education in the school curriculum or are in the process of doing so.

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71 Submission 29, Asia-Pacific Human Rights Information Center, p.9

## Fiji

- 5.86 Fiji is one of the few countries in the region that has produced a National Action Plan for Human Rights Education in 2003. The Asia Pacific Forum assisted the Fiji Human Rights Commission in the development of the plan which details strategies and targets for the development of human rights education in the national curricula of Fiji<sup>72</sup>. Professor Chris Sidoti, a member of the National Committee on Human Rights Education, also acted as a facilitator in the development of the plan<sup>73</sup>.
- 5.87 The Fiji National Action Plan for Human Rights Education seeks to “encourage and mobilise the formal and non-formal education sectors and the whole community to promote and provide human rights education for all in Fiji”<sup>74</sup>. The plan sets out the constitutional responsibility and priorities of the Fiji Human Rights Commission in human rights education and makes recommendations about the roles and functions other parts of society should undertake. The action plan is presented in three sections: the formal education system; informal or community education and targeted education.
- 5.88 The plan recognises that although the government has principal responsibility to ensure that human rights education occurs, it is the responsibility of the whole nation. The Commission therefore works in partnership with various institutions, government departments and other groups mentioned in the plan to ensure its vision of building a human rights culture in Fiji.

## Japan

- 5.89 The National Action Plan of the United Nations' Decade on Human Rights Education, compiled in 1997, calls for the promotion of human rights education in the schools and people whose occupations are closely related to human rights. The plan urges Japan to address problems related to the rights of the child as well as those of women, elderly people and foreigners.<sup>75</sup>

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72 Submission 33, Asia Pacific Forum, p.5.

73 Submission 28, NCHRE, p.3.

74 Exhibit 9: Fiji Human Rights Commission. 2003. *Fiji National Action Plan for Human Rights Education*.

75 Ministry of Foreign Affairs, Japan, *Japan's Action Plan against Commercial Sexual Exploitation of Children* <http://www.mofa.go.jp/policy/human/child/action.html>



## Thailand

- 5.90 Thailand is in the process of drafting a national human rights plan of action and a national plan of action on human rights education.<sup>76</sup>

## Pakistan

- 5.91 UNESCO Islamabad is supporting the Ministry of Education, in Pakistan to develop a National Plan of Action on Human Rights Education, within the framework of various national and international conventions on human rights, elimination of all forms of discrimination, women's empowerment, gender equality, tolerance, and promotion of a culture of peace. The Provincial Education Departments engaged in implementing activities on human rights, have also been involved in the development of a workable plan of action.<sup>77</sup>

## A second Decade for Human Rights Education?

- 5.92 A recent report by Kazunari Fujii<sup>78</sup> has said that although some governments made efforts to promote human rights education through national socio-legal infrastructure and cooperated with NGOs that proactively took steps to implement the Plan of Action for National Human Rights education at national and regional levels, due to the lack of a proper monitoring mechanism within the UN system the Decade is coming to an end without sufficient achievement of its objects.
- 5.93 In 2002, the Office of the United Nations High Commissioner for Human Rights was requested to develop and submit to the 59<sup>th</sup> session of the Commission (resolution 2002/74) a study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004)<sup>79</sup>. The report of this study stated:

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76 The Royal Thai Embassy, Washington DC, *Thailand and Human Rights*  
<http://www.thaiembdc.org/socials/hr0200.html> (dated February 2000)

77 UNESCO Pakistan, *National Plan of Action on Human Rights Education*  
<http://www.un.org.pk/unesco/socialnpa.htm>

78 Fujii, Kazunari, 2003, *UN Decade for Human Rights Education: Report of the 59th Session of the UN Commission on Human Rights*, Soka Gakkai International (SGI) UN Liaison Office, Geneva, p.6

79 United Nations High Commissioner for Human Rights. 2003. *Promotion and Protection of Human Rights: Information and Education*. Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004). 28 February 2003, UN Document E/CN.4/2003/101.

Any consideration concerning the follow-up to the Decade must build necessarily on the achievements and shortcomings of the Decade and lessons learned from it (in terms of structures and legislative frameworks developed, the status of its implementation, as well as shortcomings and remaining needs).

- 5.94 A number of UN member countries at the fifty-fifth session of the UN Sub-Commission on the Promotion and Protection of Human Rights, called on the Commission to proclaim a second decade for human rights education to begin in January 2005.<sup>80</sup>
- 5.95 A number of submissions received by the Committee call for Australia to support a 2<sup>nd</sup> decade for Human Rights Education.
- 5.96 The United Nations Association of Australia<sup>81</sup> submission supports the holding of a second Decade for Human Rights Education.
- 5.97 The National Committee has urged the Australian government to support key findings of the report of the Office of the High Commissioner for Human Rights on a follow up to the UN Decade for Human Rights Education. In particular they support the establishment of a 2<sup>nd</sup> Decade for Human Rights Education.<sup>82</sup>
- 5.98 ACFOA believes a 2<sup>nd</sup> decade for Human Rights Education would build on the momentum in human rights education that has only recently emerged. Such an extension would permit opportunities to be utilised, rather than them being lost due to a lack of time or action. A 2<sup>nd</sup> decade for Human Rights Education would permit close evaluation of current and previous projects and refining of objectives for the next ten years. Extending the decade for Human Rights Education “would build the potential for greater universal human rights promotion and protection with effective outcomes, rather than a rush to stagger across the finish line in 2004”.<sup>83</sup>
- 5.99 ACFOA feels that it is unfortunate given the position of Australia in the region, that greater initiative has not been taken in pursuing and collaborating on regional strategies as part of the Decade of Human Rights Education goals.<sup>84</sup>
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80 UN Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, *Specific Human Rights Issues*, 7 August 2003, UN Document E/CN.4/Sub.2/2003/L.14

81 Submission 11, United Nations Association of Australia, p.2.

82 Submission 28, NCHRE, p.2

83 Submission 34, ACFOA, pp.5-6.

84 Submission 34, ACFOA, p.6.

- 5.100 The Human Rights Council of Australia states that many countries, including Australia, took a considerable time to take action on the Decade. The Council believes that as a promoter and active supporter of the first Decade and as a re-elected member of the United Nations High Commission for Human Rights, Australia is in a good position to actively promote a second Decade and should begin lobbying in support of a Second Decade of Human Rights Education for approval at the next UN Commission on Human Rights<sup>85</sup>.
- 5.101 The National Committee<sup>86</sup> describes the first Decade as a powerful catalyst for both governments and civil society organisations to encourage activities in the field of human rights education. They go further to say that a second Decade would ensure continued focus at international (and thus regional and national) level on the pursuit and encouragement of human rights education and enable further progress to be made.
- 5.102 The Committee also collected evidence which was not supportive of a second decade, at least at this time.
- 5.103 HREOC believes that a final evaluation of the accomplishments and shortcomings of the current decade is needed before a decision is made to commit to a 2<sup>nd</sup> Decade for Human Rights education.<sup>87</sup>
- 5.104 The APF agrees that a formal evaluation of the success or otherwise of the 1<sup>st</sup> Decade would need to be undertaken to determine the value of instituting a 2<sup>nd</sup> Decade.<sup>88</sup>
- 5.105 The Castan Centre questions whether another UN Decade for Human Rights Education would appropriately pressure states through public education and UN reporting requirements, so as to assist in achieving the mainstreaming of human rights education in public agencies, private corporations and community and educational organisations over the next ten years. The Centre also suggests that the law of diminishing returns might apply to special UN Decades and the difficulties in measuring the impact of the first Decade for Human Rights Education should be considered. On balance, the Castan Centre's position is that a second UN Decade would not be worthwhile.<sup>89</sup>

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85 Submission 32, Human Rights Council of Australia Inc., p.3

86 Submission 22, NCHRE, p.23.

87 Submission 37, HREOC, p.6.

88 Submission 33, Asia Pacific Forum, p.4.

89 Submission 40, Castan Centre for Human Rights Law, pp.10-11.

- 5.106 HREOC states<sup>90</sup> that their position is similar to that reported as the view of the Australian delegate to the 59<sup>th</sup> session of the UN Commission on Human Rights, “that the Australian government remains very committed to the promotion of human rights education, but believes that a final evaluation of the accomplishments and shortcomings of the current decade is needed before a decision is made to commit to a 2<sup>nd</sup> decade”.
- 5.107 Voluntary financial commitment from member states has been suggested to overcome problems associated with insufficient achievement of the objects of the Decade. It is expected that such a commitment would assist with issues such as the exchange of information and good practice through the UN system and regional networks; and human and financial resources for human rights education at all levels. Unless this financial commitment was forthcoming, as well as funding at a national level, HREOC states that it “is difficult to assess what could be achieved with an additional 10 years devoted to human rights education”.<sup>91</sup> The possibility of a UN fund for human rights education has been raised with the OCHR, with the Assisting Communities Together Project promoted as providing guidance for the setting up of such a fund.<sup>92</sup>
- 5.108 Based on the overall findings of this inquiry it may be premature to advocate a second decade to immediately follow the present decade. Australia has yet to meet the goals of the first decade and the Government, in concert with civil society and practitioners, needs to fully evaluate human rights and good governance education efforts and frameworks. As such, the Committee does not feel that it is appropriate to recommend a second decade.
- 5.109 The Committee also believes that it is imperative that an evaluation of the effectiveness of achievements of the Decade be carried out before a decision is made on a second Decade. A rigorous evaluation will also enable the retention and continuation of the useful initiatives of the Decade. Too much time should not be allowed to elapse before such an evaluation or other follow-up, otherwise there is a risk that the work already undertaken will be lost or overtaken by other issues.

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90 Submission 37, HREOC, p.6.

91 Submission 37, HREOC, p.7.

92 UN Economic and Social Council, Promotion and Protection of Human Rights: Information and Education, *Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004)*, 28 February 2003, UN Document E/CN.4/2003/101, paragraphs 11-12.

### **Recommendation 23**

**That the Australian government call for the United Nations to conduct a rigorous evaluation of the effectiveness of achievements of the United Nations Decade for Human Rights Education (1995-2004) at the earliest possibility. This evaluation should be conducted prior to further discussion on an additional Decade**

**Senator Alan Ferguson**

**Chairman**

**23 June 2004**





## Appendix A – List of Submissions

No.	Author/s	Organisation/Individual
1	Dr. Carol O'Donnell	(Individual)
2	Mr Roland Tam	(Individual)
3	Mr Pierre Huetter	The Centre for Democratic Institutions
4	The Hon Bob Debus	NSW Attorney General
5	Mr R N McLeod	Commonwealth Ombudsman
6	Mr Trung Doan	Vietnamese Community in Australia, Inc.
7	The Hon Neil Andrew MP	The Speaker of the House of Representatives
8	Mr Jon Stanhope MLA	ACT Government
9	Ms Annmaree O'Keeffe (AUSAID) & Ms Caroline Millar (DFAT)	Australian Agency for International Development and the Department of Foreign Affairs and Trade.
10	Mr Bruce Wilson	Curriculum Corporation
11	Mr David Purnell OAM	United Nations Association of Australia, Inc.
12	Professor David Kinley	Castan Centre for Human Rights Law, and the Centre for Study of Privatisation and Public Accountability
13	Ms Joan Staples	Diplomacy Training Program
14	Mr Kieren Fitzpatrick	The Asia Pacific Forum of National Human Rights Institutions
15	Senator the Hon Paul Calvert	President of the Senate
16	Ms Gaye Phillips	UNICEF Australia
17	Ms Helen Burrows	Australian Legal Resources International
18	Mr Eugene Biganovsky	SA State Ombudsman
19	U Aye, Ambassador	The Ambassador of the Union of Myanmar
20	Ms Glenys Stradijot	Friends of the ABC (Vic) Inc.
21	Professor Alice Tay	Human Rights and Equal Opportunity Commission
22	Michael Curtotti	National Committee on Human Rights Education
23	Mr Graham Tupper	Australian Council for Overseas Aid
24	Mr Peter Rooke	Transparency International Australia

<b>No.</b>	<b>Author/s</b>	<b>Organisation/Individual</b>
25	Ms Dimity Fifer	Australian Volunteers International
26	Mr Simon Rice	Australian Lawyers for Human Rights
27	Sen the Hon Robert Hill	Department of Defence
28	Mr Michael Curtotti	National Committee on Human Rights Education
29	Mr Jefferson R Plantilla	Asia-Pacific Human Rights Information Center
30	Professor Bob Hughes	University of the South Pacific
31	Ms Julie Walding	Department of Education, Science and Training
32	Mr Andre Frankovits	The Human Rights Council of Australia
33	Mr Kieren Fitzpatrick	The Asia Pacific Forum of National Human Rights
34	Mr Graham Tupper	Australian Council for Overseas Aid
35	Mr Patrick Earle	Diplomacy Training Program
36	Mr Simon Rice	Australian Lawyers for Human Rights
37	Ms Diana Temby	Human Rights and Equal Opportunity Commission
38	Mr Roland Rich	Centre for Democratic Institutions
39	Mr Phillip Allars	Department of Foreign Affairs and Trade
40	Dr Tom Davis	Castan Centre For Human Rights
41	Ms Julie Clarke-Bates	AusAID
42	Premier of Western Australia, The Hon Dr Geoff Gallop, MLA	Government of Western Australia
43	Dr Sev Ozdowski	Human Rights and Equal Opportunity Commission
44	Ms Rachel Lord	Attorney Generals Department
45	Ms Patricia Thomson	National Committee on Human Rights Education





## Appendix B – List of Exhibits

Exhibit No.	Description
1	Lodged with Submission 1 <i>Ethics and the National Health and Medical Research Council (NHMRC): The Divided Self?</i> A submission by Ms Carol O'Donnell to the Executive Director of the Australian Law Reform Commission (ALRC)
2	Case Study: <i>Peace Education in a Post-Conflict Environment: Sierra Leone.</i> A paper by Dr Diane Bretherton, Ms Jane Weston and Mr Vic Zbar.
3	<i>NZAID Policy Statement: Towards a Safe and Just World Free of Poverty, July 2002.</i> <i>NZAID Human Rights Policy Statement.</i> <i>New Zealand Handbook on International Human Rights, December 1998.</i> <i>NZ Ministry of Foreign Affairs and Trade: Human Rights Division Newsletter, July 2002</i> <i>The Government Submission to the Foreign Affairs, Defence and Trade Committee of the New Zealand Parliament: Inquiry into the Role of Human Rights in Foreign Policy, August 2000.</i> <i>NZAID: Towards a Strategy for the Pacific Islands Region, July 2002</i> <i>NZ Ministry of Foreign Affairs and Trade: New Zealand Official Development Assistance – Annual Review 2001.</i>
4	<i>Tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, Beirut, Lebanon, 4-6 March 2002.</i> Introductory Remarks on Human Rights Education in Asia-Pacific by Jefferson R. Plantilla, HURIGHTS OSAKA.
5	Lodged with Submission 1 Subject Guides from the University of Sydney which address Governance Related Education in Health and Community Service Areas. Dr Carol O'Donnell
6	Lodged with Submission 19 <i>Political Situation in Myanmar and its role in the Region, August 2001.</i>
7	Lodged with Submission 18 <i>Ombudsman South Australia Annual Report 2001/02</i>

<b>Exhibit No.</b>	<b>Description</b>
<b>8</b>	<i>Youth Challenge – New Directions in Human Rights Education</i> <i>Teaching Human Rights and Responsibilities – A Resource for Australian Secondary School Teachers</i> Human Rights and Equal Opportunity Commission
<b>9</b>	<i>Fiji National Action Plan for Human Rights Education, 2003-2005</i> Fiji Human Rights Commission
<b>10</b>	<i>Alumni - Diplomacy Training Program -</i>
<b>11</b>	<i>Perth: Australasia's First Human Rights City</i> Professor Jan Ryan



## **Appendix C – List of Hearings & Witnesses**

Thursday 3 April 2003 - Perth

**Haruhisa Handa Professor of Human Rights Education; and Head, Centre for Human Rights Education, Curtin University of Technology**

Professor James William IFE

**Human Rights Cities program**

Professor Janice Patricia RYAN, (Private capacity)

**National Committee on Human Rights Education Inc.**

Chief Justice the Hon. David Kingsley MALCOLM, Member and Treasurer

Ms Patricia Kay THOMSON, Honorary Executive Director

**Monday 12 May 2003 - Canberra**

**AusAID**

Mr Robin DAVIES, Assistant Director-General, East Asia Branch

Mr Richard MOORE, Assistant Director-General, Mekong, South Asia,  
Middle East and Africa Branch

Ms Margaret THOMAS, Acting Deputy Director-General, Pacific,  
Contracts and Corporate Policy Division

Mr Peter Lloyd VERSEGI, Acting Assistant Director-General, Corporate  
Policy Branch

**Australian Council for Overseas Aid**

Mr Graham TUPPER, Executive Director

Ms Kathleen RICHARDS, Policy Officer, Human Rights and Governance

**Castan Centre for Human Rights Law**

Dr Thomas DAVIS, Project Manager

Professor David KINLEY, Director

**Centre for Democratic Institutions, Research School of Social Sciences,  
Australian National University**

Ms Felicity PASCOE, Executive Officer

Mr Roland RICH, Director

**Department of Foreign Affairs and Trade**

Mr Gerard Francis McGUIRE, Director, Human Rights and Indigenous  
Issues Section, International Organisations Branch, International  
Organisations and Legal Division

Ms Bronte Nadine MOULES, Assistant Secretary, International  
Organisations Branch

Friday 16 May 2003 - Sydney

**Asia Pacific Forum of National Human Rights Institutions**

Mr Stephen CLARK, Research Officer

Mr Kieren FITZPATRICK, Director

**Australian Lawyers for Human Rights**

Ms Sabina LAUBER, Member

Miss Sophie Ellen McMURRAY, Member

**Australian Volunteers International**

Mrs Dimity FIFER, Chief Executive Officer

**Diplomacy Training Program**

Mr Patrick EARLE, Director

Professor Paul REDMOND, Chair, Board of Directors

**Human Rights and Equal Opportunity Commission**

Mr William Bruce KENNEDY, Director, International Programs

Ms Jan PAYNE, Director, Public Affairs and Education

Mr David Vere ROBINSON, Program Manager, International Programs

Ms Diana TEMBY, Executive Director

Thursday 19 June 2003 - Canberra

**Australian Legal Resources International**

Mr Peter WALFORD, Chief Executive

**Commonwealth Ombudsman**

Professor John McMILLAN,

Mr John TAYLOR, Senior Assistant Ombudsman

**UNICEF Australia**

Ms Gaye PHILLIPS, Executive Director

**United Nations Association of Australia**

Mr David Lyle PURNELL, National Administrator





## **Appendix D – National Action Plan**

*(Excerpt from Australia's Nation Action Plan for Human Rights – 1994, pp. 65-69)*

**( i ) Define a programme of human rights information and education, including in school curricula and the workplace for Australia;**

### ***Features of Current Policy***

The Government has taken a number of initiatives to increase the awareness of Australia's international obligations in the areas of human rights.

- The Federal Government encourages teaching about human rights within the mainstream school curriculum. A set of agreed goals for schooling in Australia provide foundation for a program of human rights education for our schools. The program emphasises the promotion of understanding of cultural differences and tolerance of others as key national goals in education. These factors appear as a universal quality in almost all objectives in education systems of Australia. Particular national goals of relevance to human rights education include:
  - ⇒ to develop knowledge, skills, attitudes and values which will enable students to participate as active and informed citizens in our democratic Australian society within an international context;
  - ⇒ to provide students with an understanding and respect for our cultural heritage including the particular cultural background of Aboriginal and ethnic groups; and
  - ⇒ to develop in students a capacity to exercise judgment in matters of morality, ethics and social justice.

- Positive initiatives have been taken by schools and education authorities concerning human rights education in the development of curriculum for government and non-government schools, in areas such as non-sexist education, Aboriginal studies and multicultural studies. Human rights issues and education are incorporated throughout syllabuses covering Society and Culture, Legal Studies, English, Aboriginal Studies, History and Geography.
- In 1989, a structure was established to provide for the cooperation of States, Territories and the Commonwealth in developing a national curriculum framework for Australian schools. The framework was informed by three guiding principles:
  - ⇒ access and equity for girls, Aboriginal and Torres Strait Islander students, students from non-English speaking background, students learning English as a second language, students living in poverty, students who live in isolated rural communities and students who have a disability;
  - ⇒ recognising the knowledge and experiences of many different groups to redress the imbalance in curriculum that advantages those structures of knowledge and ways of viewing the world associated with one group; and
  - ⇒ critical analysis of structures that disadvantage and advantage various groups. This involves the examination of processes of construction of categories such as gender, race and class. For details of human rights education in the National Curriculum Framework, see Appendix H.
- The Government is working with employers and unions to educate students on issues such as labour relations, occupational health and safety, workplace reform and the rights and obligations of workers:
  - ⇒ at the same time, the Government will provide a training and development program for teachers, employers and trade union speakers.
- The Australian Government has introduced a community education program, "Stopping Violence Against Women", aimed at creating a climate of opinion whereby violence against women is not condoned under any circumstances and to contribute to the elimination of all forms of violence against women in Australian society. [See F (ii)]
- A number of programs have also been funded which aim to identify and address gender bias in the law and legal system, including:



- ⇒ a gender awareness program for members of the judiciary and magistrature being developed by the Australian Institute of Judicial Administration, to run over three years; and
- ⇒ a pilot program on gender bias for Family Court judges and judicial registrars.
- Australia's second progress report to the United Nations on CEDAW was widely distributed and purchased throughout Australia to raise awareness amongst the community of the achievements in Australia in implementing the Convention.
- Australia's second progress report to the United Nations on CEDAW was widely distributed and purchased throughout Australia to raise awareness amongst the community of the achievements in Australia in implementing the Convention.
- The Aboriginal and Torres Strait Islander Social Justice Commissioner coordinates a National Aboriginal and Torres Strait Islander Social Community Education Program with the following objectives:
  - ⇒ to inform Aboriginal and Torres Strait Islander people about their rights and the protection available under anti-discrimination and other legislation;
  - ⇒ to reduce the incidence of Aboriginal and Torres Strait Islander people in custody;
  - ⇒ to enable Aboriginal and Torres Strait Islander communities to establish and protect community standards of their human rights; and
  - ⇒ to empower Aboriginal and Torres Strait Islander people to solve community relations problems at the local level through an understanding and assertion of their rights. [See also F (i)]

### ***Challenges Ahead***

- To strengthen the understanding by Australians of human rights, including through developing school curriculum and teacher training of the nature of indigenous human rights particularly those of Aboriginal and Torres Strait Islander peoples.
- While equal employment opportunity legislation and anti-discrimination legislation provide a framework for combating discrimination in the workplace based on ethnicity and/or birth, workplace discrimination still remains a concern. Elimination of discriminatory practices and, to the extent possible, discriminatory attitudes in learning and working environments requires a

comprehensive and integral response and pro-active community and school education.

- To ensure that all women have the right to live free from violence and the fear of violence. The extent of violence against women in Australia remains a matter of national importance. This will require a major change in community attitudes so that violence is seen as unacceptable.

### ***Proposed National Action***

- The Government will continue to pursue strategies to increase awareness of Australia's international obligations in the areas of human rights, including:
  - ⇒ developing and disseminating education materials and curricula for schools which promote ethical development; and
  - ⇒ initiatives in community education aimed at eliminating violence against women.
- The Government will consider developing measures aimed at increasing knowledge of indigenous human rights, including through school curricula and teacher training programs.

### **(j) Set out a program of education and training for Australian personnel directly responsible for the protection of human rights**

#### ***Features of Current Policy***

- There are several education and training programs for personnel directly responsible for the protection of human rights:
  - ⇒ the Attorney-General's Department provides a small number of training courses on human rights issues, for example, to the Department of Immigration and Ethnic Affairs; the Australian Federal Police (AFP) does not have courses specifically designed to cover international human rights treaties, although it does have a number of current training courses which include components covering cross-cultural communications exercises and awareness of human rights;
  - ⇒ the Attorney-General's Department is acting as a catalyst in developing pilot programs to encourage a more comprehensive understanding of Aboriginal culture among people who work in all Australian courts. This program has been developed in response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody and is being conducted in consultation with the Aboriginal and Torres Strait Islander Commission and the Australian Institute of Judicial Administration; [See also F (i)]

- ⇒ the Australian Defence Force (ADF) provides human rights and international humanitarian law training for all its personnel, in particular training in the Law of Armed Conflict and awareness of appropriate workplace attitudes and behaviour: [For details of ADF human rights training, see Appendix I)
  - ⇒ Foreign students attending ADF courses receive the same periods of instruction regarding international humanitarian law as their ADF counterparts. This training is designed to improve leadership skills, to impart professional and technical expertise, and generally to create a more effective atmosphere for cooperation in external defence activities;
  - ⇒ similarly, overseas military personnel during training with or attachment to the ADF are exposed to the ethos of the ADF, and Australian values in general, towards issues of conscience, including human rights. In-country professional and technical training is also provided by ADF personnel under defence cooperation agreements, which includes LOAC and human rights elements as appropriate; and
  - ⇒ Defence Cooperation funding together with funding from Australian International Development Assistance Bureau (AIDAB), was used to assist the Philippines Commission on Human Rights to conduct a series of seven seminars for military and police trainers in the Philippines early in 1993 to a target audience of between 700 and 1000 military and police officers. UNICEF and Red Cross were also involved in these seminars.
- The Federal Government is providing funding to the Family Court to develop programs to enhance the awareness of judges and other decision-makers on such matters as the cause and effect of violence against women and gender issues that effect the resolution of family law matters. This work complements other gender awareness activities currently being pursued by the Australian Law Reform Commission. [See also I]
- The Department of Immigration and Ethnic Affairs provides training on the Refugee Convention, international and administrative law, practical casework training, cross-cultural issues associated with refugee determination and aspects of the refugee definition to officers involved in determining applications for refugee status.
- No systematic human rights training program exists as yet for officers of the Department of Foreign Affairs and Trade and AIDAB:

- ⇒ both agencies are currently developing on-going training programs on human rights issues for their staff.

### ***Challenges Ahead***

- To further extend and consolidate programs for human rights education and training for Australian officials involved in the human rights field, in particular Department of Foreign Affairs and Trade and AIDAB.
- To examine the possibilities for enhanced human rights training by the Australian Defence Force. [See Appendix I].
- To develop appropriate judicial training programs.

### ***Proposed National Action***

- The Department of Foreign Affairs and Trade has prepared a Human Rights Manual (See Appendix J) to be used as the basis for a comprehensive human rights training course for all its officers. This course will be available for other Departments/ Agencies with particular interests in human rights issues.
- The Department of Immigration and Ethnic Affairs will continue to provide, and will consider ways of expanding, human rights training, including on refugee issues to its overseas officers.
- The Federal Government has provided funding to the Australian Institute of Judicial Administration to develop gender awareness programs to be made available to members of the Australian judiciary.
- The ADF will consider ways of strengthening humanitarian law training, including a human rights component.



## **Appendix E –UN Guidelines for national plans of action for human rights education**

**Report of the Secretary-General, Addendum, Guidelines for national plans of action for human rights education<sup>1</sup>**

### *Preface*

The present "Guidelines for National Plans of Action for Human Rights Education" have been developed by the Office of the High Commissioner for Human Rights (OHCHR) in the framework of the United Nations Decade for Human Rights Education (1995-2004). The Guidelines are intended to assist States in responding to several resolutions of both the General Assembly and the Commission on Human Rights, in which States were called upon to develop national plans of action for human rights education.<sup>2</sup>

In its resolution 49/184 proclaiming the Decade for Human Rights Education, the General Assembly welcomed a related Plan of Action submitted to the Assembly by the Secretary-General, and requested the United Nations High Commissioner for Human Rights to coordinate its implementation. The final version of the Plan of Action (see A/51/506/Add.1, appendix) seeks to stimulate and support national and local activities and initiatives. It is built upon the idea of a partnership between Governments, intergovernmental organizations,

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1 A/52/469/Add.1, 20 October 1997, Fifty-second session, Agenda item 112 (b). p.7. with amendments as per the Corrigendum AQ/52/469/Add.1/Corr.1 27 March 1998

2 See General Assembly resolutions 49/184, 50/177 and 51/104; and Commission on Human Rights resolutions 1995/47 and 1996/44 and decision 1997/111.

non-governmental organizations (NGOs), professional associations, individuals and large segments of civil society.

The Plan of Action has five objectives:

- (a) The assessment of needs and formulation of strategies;
- (b) Building and strengthening human rights education programmes at the international, regional, national and local levels;
- (c) Developing educational materials;
- (d) Strengthening the role of mass media;
- (e) Global dissemination of the Universal Declaration of Human Rights.

With regard to the building and strengthening of human rights education programmes at the national and local levels, Member States are urged to establish a national committee for human rights education and to draw up a national plan of action.

Since governmental and non-governmental organizations and individuals have important roles to play in ensuring that human rights are respected, national human rights education strategies and plans of action should be developed and implemented by a creative mixture of all of such entities. These Guidelines are not intended as a blueprint for a nationally coordinated effort in human rights education. Rather, they aim at providing concrete suggestions for developing and implementing a comprehensive (in terms of outreach), effective (in terms of educational strategies) and sustainable (over the long term) national plan of action.

In those countries with a federal system, plans of action may be developed at both the federal and state/provincial levels. Therefore, "national plan", as used in this document, may refer to state/provincial plans as well.

The Guidelines are structured in the following sections:

- (a) Introduction;
- (b) Principles governing a national plan of action for human rights education;
- (c) Steps towards a national plan of action for human rights education.

The preparation of the Guidelines has benefited from the valuable input of several experts and practitioners in the area of human rights education, including Mr. Carlos Basombrio, Mr. Clarence J. Dias, Mr. Frej Fenniche, Ms. Nancy Flowers, Mr. Chris Madiba, Mr. Abraham Magendzo,

Mr. Vitit Muntarbhorn, Mr. Marek Nowicki, Mr. Ralph Pettman, Ms. Magda Seydegardt, Ms. Cristina Sganga, Ms. Felisa Tibbitts, Mr. David Weissbrodt and Ms. Louisa Zondo. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Council of Europe also participated in the process of discussing and drafting the Guidelines.

Three complementary documents to these Guidelines have also been prepared and will be made available by the OHCHR:

- (a) Human Rights Education Programming, a paper which includes ideas and suggestions for the implementation of targeted human rights education programmes regarding (i) public awareness; (ii) the schooling sector; (iii) other priority groups, and a resource guide to assist in programme implementation;
- (b) The Right to Human Rights Education, a compilation of full texts/excerpts of international instruments pertaining to human rights education;
- (c) Human Rights Trainers Guide, a methodological approach to the human rights training of professional groups.

## ***I. Introduction***

### **A. Definition of human rights education**

References to the concept of education in and for human rights appear in a number of international human rights instruments, including the Universal Declaration of Human Rights (art. 26), the International Covenant on Economic, Social and Cultural Rights (art. 13), the Convention on the Rights of the Child (art. 28), and, most recently, the Vienna Declaration and Programme of Action (sect. D, paras. 78-82). Taken together, these instruments provide a clear definition of the concept of human rights education as agreed by the international community.

In accordance with those provisions, and for the purposes of the Decade, human rights education may be defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes, which are directed towards:

- (a) The strengthening of respect for human rights and fundamental freedoms;

- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free society;
- (e) The furtherance of the activities of the United Nations for the maintenance of peace (see A/51/506/Add.1, appendix, para. 2).

#### B. Why human rights education?

There is 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 recognized as an effective strategy to prevent human rights abuses.

Human rights are promoted through three dimensions of education campaigns:

- (a) Knowledge: provision of information about human rights and mechanisms for their protection;
- (b) Values, beliefs and attitudes: promotion of a human rights culture through the development of values, beliefs and attitudes which uphold human rights;
- (c) Action: encouragement to take action to defend human rights and prevent human rights abuses.

#### C. Why national plans of action for human rights education?

National plans serve to:

- (a) Establish or strengthen national and local human rights institutions and organizations;
- (b) Initiate steps towards national programmes for the promotion and protection of human rights, as recommended by the World Conference on Human Rights;
- (c) Prevent human rights violations that result in ruinous human, social, cultural, environmental and economic costs;



- (d) Identify those people in society who are presently deprived of their full human rights and ensure that effective steps are taken to redress their situation;
- (e) Enable a comprehensive response to rapid social and economic changes that might otherwise result in chaos and dislocation;
- (f) Promote diversity of sources, approaches, methodologies and institutions in the field of human rights education;
- (g) Enhance opportunities for cooperation in human rights education activities among government agencies, non-governmental organizations, professional groups and other institutions of civil society;
- (h) Emphasize the role of human rights in national development;
- (i) Help Governments meet their prior commitments to human rights education under international instruments and programmes, including the Vienna Declaration and Programme of Action (1993) and the United Nations Decade for Human Rights Education (1995-2004).

D. Why guidelines for national plans of action?

The Guidelines are intended to:

- (a) Promote a common understanding of the purposes and content of human rights education and the Decade;
- (b) Highlight minimum standards for human rights education;
- (c) Identify processes/steps needed to design, implement, evaluate and redesign a national plan for human rights education;
- (d) Draw attention to the human, financial and technical resources needed to adopt a national approach to human rights education;
- (e) Encourage effective interaction between national and international human rights institutions and organizations and promote the implementation of international human rights standards at the national level;
- (f) Provide mechanisms for setting reasonable human rights education goals and measuring their achievement.

***II. Principles governing a national plan of action for human rights education***

A. General principles

Education in and for human rights is a fundamental human right. Governments should develop national plans that:

- (a) Promote respect for and protection of all human rights through educational activities for all members of society;
- (b) Promote the interdependence, indivisibility and universality of human rights, including civil, cultural, economic, political and social rights and the right to development;
- (c) Integrate women's rights as human rights in all aspects of the national plan;
- (d) Recognize the importance of human rights education for democracy, sustainable development, the rule of law, the environment and peace;
- (e) Recognize the role of human rights education as a strategy for the prevention of human rights violations;
- (f) Encourage analysis of chronic and emerging human rights problems, which would lead to solutions consistent with human rights standards;
- (g) Foster knowledge of and skills to use global, regional, national and local human rights instruments and mechanisms for the protection of human rights;
- (h) Empower communities and individuals to identify their human rights needs and to ensure that they are met;
- (i) Develop pedagogies that include knowledge, critical analysis and skills for action furthering human rights;
- (j) Promote research and the development of educational materials to sustain these general principles;
- (k) Foster learning environments free from want and fear that encourage participation, enjoyment of human rights and the full development of the human personality.

#### B. Organizational and operational principles

All procedures and practices for the elaboration, implementation and evaluation of the national plan should guarantee (a) the pluralistic representation of society (including NGOs); (b) transparency of operation; (c) public accountability; and (d) democratic participation.

All government authorities should respect the independence and autonomy of the various organizations in the implementation of the national plan.

C. Principles for educational activities

All educational activities conducted under the national plan must foster:

- (a) Respect for and appreciation of differences and opposition to discrimination on the basis of race, national or ethnic origin, gender, religion, age, social, physical or mental condition, language, sexual orientation etc;
- (b) Non-discriminatory language and conduct;
- (c) Respect for and appreciation of diversity of opinions;
- (d) Participatory teaching and learning;
- (e) "Translation" of human rights norms into the conduct of daily life;
- (f) Professional training of trainers;
- (g) Development and strengthening of national capacities and expertise for the effective implementation of the plan.

***III. Steps towards a national plan of action for human rights education***

A. Step 1: establishing a national committee for human rights education

***Establishment***

A national committee should be established in each country, according to national conditions and should include representatives of appropriate government agencies and non-governmental organizations with experience in human rights and human rights education or with the potential to develop such programmes (see box).

## POTENTIAL MEMBERSHIP

The members of the national committee should include institutions, organizations and individuals that intend to work in accordance with the purposes and principles of the United Nations, including the principles on which the Decade is based. A sample list might include, inter alia:

Representatives of national/local bodies, such as:

- × government representatives (which would then liaise with relevant ministries);
- × the national commission for UNESCO and other similar national agencies (in Europe, for instance, the Information and Documentation Centres on the Council of Europe);
- × independent human rights national institutions (human rights commissions and/or ombudsmen);
- × national human rights resource and training centres;
- × national/local human rights groups/organizations, including, for example, national committees for UNICEF, and other community-based organizations, including women's and social justice groups;
- × national chapters of international human rights non-governmental organizations, including, for example, national United Nations associations;
- × representatives from parliament (in particular, from the education, human rights and development committees);
- × key representatives of civil society, including trade and professional unions;
- × representatives from the judiciary;
- × business community;
- × teachers' associations/unions;
- × cultural/social and community leaders;
- × youth organizations;
- × minority groups;
- × educators and university scholars;
- × media representatives.

Observers may, as appropriate, be invited, such as national representatives/ offices of international agencies present in the country, including, inter alia:

- × the United Nations resident coordinator (who often is the United Nations Development Programme resident representative);
- × the United Nations information centre or service;
- × the United Nations High Commissioner for Refugees (UNHCR) national delegation;
- × the Office of the High Commissioner for Human Rights field presence;
- × the office of regional intergovernmental organizations (Organization of African Unity, Organization of American States, Council of Europe, Commonwealth, Francophonie, etc.).

The initiative for forming the national committee should be taken by the appropriate branch or agency of the Government. In this respect, the Government should respond to relevant initiatives from a national human rights commission, similar national institution or non-governmental organization.

The first step in establishing a national committee could be through the selection of a temporary liaison officer or convener for the purpose of establishing the committee. At this stage, it is important that efforts be made to embrace in the committee at least all institutions and organizations already significantly active in the area of human rights education. The Government should notify the OHCHR when the national committee is convened.

### ***Functions***

The committee should be directly responsible for the development of the national plan, including (a) the commissioning/conduct of the baseline study (step 2); (b) the formulation of a comprehensive national plan of action, including identifying objectives, strategies, programmes and financing (steps 3 and 4); (c) the facilitation of the implementation of the national plan (step 5); and (d) the periodic evaluation, review and follow-up of programmes and the achievements of national goals (step 6).

With regard to the international level, the committee should remain in contact with regional and international bodies involved in implementing the objectives of the Decade and should channel international and regional inputs, information and support to the local and grass-roots levels. The Committee should also report periodically to the OHCHR on needs, proposals and progress made towards the realization of the goals of the Decade, so that this information can be included in the High Commissioner's reports on the implementation of the United Nations Plan of Action for the Decade and can constitute a basis for further action.

### ***Methods of work***

A coordinator should be elected by the committee, who may be guided by a small representative advisory board. A secretariat could be established, eventually within one of the member organizations of the committee.

The committee should operate with a free exchange of views and information, in an atmosphere of trust and collaborative interest in seeing that a comprehensive, intersectoral and multidisciplinary strategy for human rights education can take place in the country.

Procedures for decision-making, as well as for requesting, receiving, reviewing and discussing the contributions of concerned individuals, groups and organizations should be developed at an early stage.

### ***Time-frame***

Where not already existing, a national committee should preferably be established at the beginning of 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights. It should work at least for the period of the Decade (1995-2004).

## **B. Step 2: conducting a baseline study**

### ***Purpose***

If it has already not been undertaken, a baseline study or needs assessment will be a critical aid in determining the more pressing local and national needs.

Accordingly, once the committee is constituted, one of its early activities should be to conduct or commission a systematic study about the state of human rights education in the country, including the areas where human rights challenges are greatest, the available level of support and the extent to which the basic elements of a national strategy are already in place. This inquiry and any subsequent activities will require that the committee have a clear understanding about what constitutes human rights education.

### ***Content***

The study might deal with present activities, needs and human and institutional resources for human rights education, including such basic issues as:

- (a) Existing programmes for human rights education (for the general public, formal schooling sectors and specific groups);
- (b) Existing curricula for human rights and democracy issues at all levels of education;
- (c) Current activities of governmental and non-governmental agencies active in human rights education;
- (d) Existence of legal norms concerning the promotion of human rights and their implementation;
- (e) Availability of key human rights documents in national and local languages as well as in simplified language form;

- (f) Availability of other materials, both textual and other, for use in human rights education and their accessibility;
- (g) Overall level of organizational and financial support for human rights education, including institutions and individuals most likely to assist in this area;
- (h) Existence of national development plans and other relevant national plans of action already defined (general human rights plans of action or those for women, children, minorities or indigenous peoples);
- (i) Obstacles to human rights education that should be overcome;
- (j) An overall needs assessment for human rights education, including identification of human rights problems in the country and consequently emerging priority groups in need of human rights education.

The study might also include (a) knowledge about human rights among the general population, as well as potential target groups; (b) social, political and economic conditions relevant to human rights education; (c) human rights educational access for marginalized groups; and (d) treatment of human rights issues by the mass media (including television, radio, newspapers and popular magazines).

### ***Methods***

To be the basis for the development of the national plan of action, this baseline study must be seen as legitimate, credible and objective. This question of legitimacy extends to the organization(s) commissioned to conduct the study, as well as the data collection methods themselves.

The study can be undertaken through the distribution of questionnaires,<sup>3</sup> through interviews and collection/reviewing of materials. Information can also be obtained through the canvassing of existing groups, many of whom may already be on the national committee. A bottom-up approach for the assessment of needs should be encouraged, i.e., a participatory approach at the grass-roots level. Local seminars and workshops among basic educators in the rural areas, for example, or the participation of representatives of NGOs working in those areas could be a way of assessing needs as widely as possible.

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3 A questionnaire developed by the OHCHR to conduct a survey of human rights programmes, materials and organizations at the national level is available and may be requested from the OHCHR.

Also, the study should review State reports to the United Nations treaty bodies on the implementation of human rights education provisions of international instruments<sup>4</sup> as well as the observations and recommendations made by those bodies in this regard. National reports elaborated in accordance with other international or regional monitoring procedures should also be reviewed.

The study should identify and make recommendations on high-priority groups in need of human rights education, proposed programme areas to address gaps in programme coverage and suggestions for improving the human rights education activities of existing groups.

The study must be made public and be widely disseminated and could have attached a useful annex of addresses of all national and local institutes and governmental and non-governmental agencies dealing with human rights education that may be contacted and may provide materials for further development of programmes.<sup>5</sup>

C. Step 3: setting priorities and identifying groups in need

Priorities in human rights education will need to be established for the short, medium and long term on the basis of the findings of the baseline study. These priorities might be set on the basis of the most pressing needs (for example, among groups that are clearly in need of human rights education) and on the basis of the opportunity (for example, if certain groups or institutions have requested assistance in setting up human rights education programmes).

Groups in need of human rights education may include:

- (a) Administration of justice officials: (i) law enforcement personnel, including police; (ii) prison officials; and (iii) judges and prosecutors;
- (b) Other government and legislative officials: (i) members of the legislature; (ii) public officials involved in drafting legislation, developing and implementing policy; (iii) the military and other security forces; and (iv) immigration and border officials;

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4 Relevant United Nations treaty bodies include the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

5 Inspiration for the content and methods of the baseline study was taken from the Italian example, as reported in A/51/506, para. 44 (e) and the Tunisian example, as reported in E/CN.4/1997/46, para. 23 (g).



- (c) Key professional groups: (i) teachers and curriculum developers; (ii) social workers; (iii) the medical profession; (iv) the media and journalists; and (v) the legal profession;
- (d) Organizations and groups: (i) women's organizations; (ii) indigenous peoples; (iii) minority groups; (iv) trade unions; (v) development agencies (vi) business community; (vii) workers' and employers' organizations; (viii) community leaders; (ix) groups with a special interest in social justice issues; and (x) religious leaders;
- (e) Schooling sectors: (i) children; (ii) youth; and (iii) professional trainees;
- (f) Others: (i) refugees and displaced persons; (ii) rural and urban poor, especially women; (iii) migrant workers; (iv) other vulnerable people, such as people with HIV/AIDS infection, disabled persons, persons in extreme poverty, the aged; (v) prisoners and others under detention; and the (vi) general public.

D. Step 4: developing the national plan

***Components***

In response to the needs identified in the baseline study and to the national context, a national plan of action should include a comprehensive set of objectives, strategies and programmes for human rights education and evaluation mechanisms.

Accordingly, the plan of action should include the following components:

- (a) An affirmation of the overall goals or objectives for human rights education in the country (on the basis of a clear definition of human rights education, as contained in international instruments);
- (b) Strategies for reaching the general public, formal schooling sectors and special target groups;
- (c) Programmes for the realization of these strategies, composed of specific activities;
- (d) Short-, medium- and long-term steps for carrying out the Plan;
- (e) Realistic identified results to be achieved and criteria for monitoring/evaluating;
- (f) Special opportunities for human rights education;

- (g) The role of the National Committee in the implementation of the Plan;
- (h) Mechanisms for individuals and groups to contact the Committee and become part of the national human rights education effort;
- (i) Contact information for key local human rights education organizations.<sup>6</sup>

### ***Objectives***

The objectives of the national plan should be consistent with the principles outlined in section II above.

### ***Strategies***

A comprehensive national strategy for human rights education should include (a) a general public awareness campaign; (b) the infusion of human rights themes into all levels of formal schooling; and (c) an educational effort customized for specific groups in need of human rights education.

The national plan of action should constitute an integral part of the national development plan and be complementary to other relevant national plans of action already defined (general human rights plans of action or those relating to women, children, minorities, indigenous peoples, etc.).

### ***Programmes***

The national plan of action should include a national-specific framework for implementing and monitoring human rights education programmes. With regard to existing programmes for human rights education, the plan could indicate how those programmes should be strengthened or reformulated.

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6 An example of a comprehensive Plan of Action for Human Rights Education which has already been developed is the Philippine case, as reported in E/CN.4/1997/46. The Philippine Plan of Action, forwarded to the Office of the High Commissioner for Human Rights by the Philippine Commission on Human Rights, "includes clear objectives, target audience (organized and unorganized elements of society), strategies (trainers' training, organization of networks, integration of human rights in all educational curricula, utilization of village-level officials to reach out to the community level, promotional campaigns including artistic and cultural activities, development of monitoring and evaluation systems, etc.) and programmes, including the creation of a human rights training, documentation and research centre (the Human Rights Academy). In the elaboration of the Plan, and in view of its implementation, the Commission has entered into a number of formal agreements with other national partners for human rights education, to define in detail specific areas of responsibility. These partners include: the Department of Interior and Local Government, the Liga NG MGA Barangay (an organization of barangay captains or village chiefs), the Department of Justice, the Department of National Defense, the Department of Education, Culture and Sports, the Commission on Higher Education and Amnesty International/Philippine Section" (E/CN.4/1997/46, para. 23.f).

Also, the plan should aim at strengthening local programmes and capacities.

The following types of activities and approaches could constitute courses of action in support of the attainment of national strategy goals:

- (a) Networking support: building practical relationships/networks among individuals, groups and institutions; promotion of meetings and collaborations; and identification and sharing of useful resources and experiences among those conducting human rights education. A general principle for the involvement of organizations is that their complementarity should be promoted;
- (b) Institutional/organizational support: identification, support and, if necessary, establishment of individual institutions or agencies, as well as coalitions of such organizations, to promote and coordinate human rights education training, materials development and other means of education. This course of action should include the establishment (or strengthening) of a publicly accessible national human rights resource and training centre to support the work of the national committee (see A/51/506/Add.1, appendix, para. 61). The centre should be able to offer technical assistance (for example, in the form of publications, training materials and roster of national trainers, experts and institutions) to those interested in implementing human rights education programmes. Where such a centre is already existing, its work should be evaluated. Where not already established or where an existing centre is not effective for the purposes of the Decade, it could be set up, according to national conditions, for instance in the framework of a university or a national institution (such as a human rights commission or an ombudsman's office). A new organization might also be established by the committee in cases where there is no obvious vehicle for the delivery of human rights education programming;
- (c) Integration of human rights education into all levels of formal education: after a thorough revision of existing programmes and curricula, key human rights themes and topics should be included in professional and technical training programmes and in professional codes of conduct or operating procedures, as well as at the pre-school and primary, secondary, university and other institutions of higher learning levels of education;
- (d) Education of groups in need: development and maintenance of comprehensive training programmes for the various groups in need

of human rights education, including vulnerable groups, groups which are more likely to affect human rights advocacy, and influential persons/groups in the society in order to promote awareness of sectoral-based human rights challenges and actions to enhance human rights practices;

- (e) Public awareness campaign: undertaking of activities to increase public and professional access to and awareness of international human rights standards, of local, national and international mechanisms of protection and of human rights conditions locally, nationally and internationally, through the mass media, informal education techniques and existing agencies and non-governmental networks;
- (f) Production and revision of materials: development of national language/simplified versions of key international human rights documents and human rights training materials, for all levels of literacy and for persons with disabilities; and revisions of educational materials to bring their content in line with international human rights standards;
- (g) Research and evaluation: facilitation of research into and evaluation of human rights education programming in order to foster its improvement and share experience of what is effective;
- (h) Legislative reform: promoting reform in relevant public policy sectors, including reviewing existing and proposed legislation and elaborating new legislation (for instance, the incorporation of human rights in the educational curricula at all levels of the formal educational system could probably entail legislative or policy action, such as changes in licensing requirements for teachers).

### ***Resources***

A financial strategy for the national plan should be developed. Funding could be raised at the local, regional, national and international level. Consideration could be given to the establishment of a national fund.

The development of a national plan of action should be linked to a corresponding policy declaration and the freeing up of resources to help realize the programme goals. In this regard, the committee should make as much use as possible of institutional, human and financial resources already available, according to national conditions, by reorienting available resources for national programmes. Additional resources could be sought from the private sector and donor agencies.

Once the plan has been elaborated through a process of broad consultation, an immediate task of the committee should be to identify organizations and ways that can help in its realization. Partnerships with and between human rights groups and university faculties, trade unions, government agencies and other non-governmental organizations should be established.

E. Step 5: implementing the national plan

Effective implementation is essential for the credibility of the national plan. The plan should bear in mind the possibility of a variety of inputs in federal systems and the relevance of the regional and local levels.

Implementation is linked to a number of measures including responsive policies, law, mechanisms and resources (human, financial, information and technological), and may vary from country to country. However, in each country implementation should be based on the principles covered in section II above.

F. Step 6: reviewing and revising the national plan

The plan should be reviewed periodically and revised as necessary to ensure effective responses to the needs identified by the baseline study. It is recommended that periodic reviews, through the participation of independent evaluators, be organized by the committee, the first to take place one year after the initiation of the plan of action, and thereafter periodically. These reviews would ideally involve self-evaluation and independent evaluations. They would be a learning tool for understanding the strengths and weaknesses in the design and implementation of existing programming, and for making revisions as necessary with effective follow-up.

Conditions vary greatly within countries regarding data, human and financial resources available for evaluation. Moreover, the methods chosen must be appropriate to local cultures. But it is always possible to build an evaluation component into educational activities, especially at the time they are taking place. Evaluating comprehension can be very different from evaluating attitudinal change or skills development. The more participatory the methodology used for human rights education, the more effective is likely to be the evaluation.

Clearly, each national programme will need to devise its own plans for evaluation. What follows is intended to be purely suggestive of some of the issues and questions involved.

National evaluations should examine, at a minimum, three areas: (a) the national plan of action; (b) programme implementation; and (c) the functioning of the national committee.

### ***National plan of action***

Are the objectives contained in the national plan of action being met:

- (a) In terms of programme coverage? Data source: contrast objectives in the National Plan with current human rights education programming;
- (b) In terms of programme effectiveness (within the sectors of public awareness; education in the primary, secondary, university and professional/ technical educational levels; education of groups in need)? Possible indicators: see "Programme implementation" below.

Have there been any developments in the human rights or human rights education fields, either locally, nationally or internationally, that would affect elements of the national plan of action, including the need to focus more or less on certain groups, or new opportunities for human rights education programming? Data sources: recent human rights reports, new national legislation or court decisions, new relationships with potential human rights education deliverers or collaborators, new communication technologies, local/ national/ regional/ international events that highlighted need for human rights education.

### ***Programme implementation***

For the various sectors of programming (e.g., public awareness campaigns, etc.), how are the programmes meeting the criteria of comprehensiveness (including non-discriminatory and affirmative action measures)? Are the programmes having maximum outreach to target audiences and/or having outreach with a core group, which in turn, has leadership, visibility and motivation to influence others in their respective sector?

- (a) First set of indicators: outreach mechanisms and numbers reached:
  - (i) Public outreach: print readership, television viewers, radio listeners (including articles, programming and ad campaigns), use of visuals such as posters and artistic programmes;
  - (ii) Outreach to key leadership in relation to the national plan of action, including possibly the media, educational authorities, governmental officials, social justice groups, trainers and so forth;

- (iii) Sector-specific outreach: (1) written: readership of professional newspapers and magazines, dissemination of special information brochures, educational materials used in awareness and training; (2) oral: participants in awareness and educational/training activities; and (3) other: dissemination of visual materials such as posters, videos;
- (b) Second set of indicators: contrast numbers reached with total numbers desired;
- (c) Third set of indicators: projection of further outreach based on future programming, relationship with key agencies.

For the various sectors of programming, are the programmes effective for educating learners in the knowledge/understanding, attitudes/values and skills/behaviour necessary to support national respect for and protection of human rights? Possible data sources: (a) pre- and post-surveys of programme participants on their knowledge about and attitudes towards human rights and related issues, including relevance to everyday life (if it is not feasible to survey all participants, could do a random sampling of those with exposure to human rights education, including use of control groups); (b) individual and focus group interviews with participants concerning their knowledge about and attitudes towards human rights, evaluation of the rights education programming they participated in, and any plans for application of human rights principles; and (c) longitudinal data collection on impact including follow-up surveys and interviews on above topics.

For the various sectors of programming, are the programmes sustainable?

- (a) Can the human rights education programme strategies be sustained either through the direct continuation of programming and/or through the expertise catalysed by the original programme? (An example of the first are training activities conducted directly by staff; example of the second would be training activities conducted by those originally trained by staff);
- (b) Has human rights education expertise been expanded? Possible indicators: future programme plans (including outreach numbers and techniques, funding sources), cadre of human rights education specialists that can be drawn upon for future programming, local spin-off programming, networking and coalitions with other groups;
- (c) Have the programmes been institutionalized? Possible indicators: insertion of human rights in all teaching institutions' curricula and

establishment and functioning of a national human rights resource and training centre.

***National committee***

How timely and effective has the national committee been in developing the national plan of action (including commissioning the baseline study and formulating national objectives, strategies and programme priorities)? Data sources: interviews with key members of the committee. Comparison between time-frame set (if available) and time-frame met.

How successful has the committee been in facilitating cooperative behaviour between government agencies, intergovernmental organizations, non-governmental organizations, professional associations, individuals and other civil society groups? Data sources: interviews with members of the national committee, leadership of cooperating agencies and leadership of non-cooperating agencies.

How successful has the committee been in generating political and financial support for carrying out the national plan of action? Indicators: organizational representation from governmental and non-governmental organizations on the national committee itself; support and endorsement from key agencies for implementation of human rights education programming; funds or support in kind contributed from government sources, from donor agencies and from cooperating intergovernmental agencies and NGOs.





## Appendix F – AusAID governance and human rights projects for 2001-02<sup>7\*</sup>

### (i) CIVIL SOCIETY AND HUMAN RIGHTS

Country	Activity Name	Expenses 2001-2002 (\$'000) **
<b>AusAID Activities</b>		
Afghanistan	Capacity Building for Afghan NGOs	164
	Civil Society Capacity Building Program	184
	Mine Action	610
Bangladesh	Awareness Raising for Women's Rights and Land Rights Advocacy Project	99
	Rajashi Self-help and Small Business Project (Stage 3)	17
Burma	Burma Human Rights Training Initiative	177
	Mine Awareness Workshop	25
	UNDP: Trafficking in Women & Children	4
Cambodia	Cambodia Mine Action Review	6
	Human Rights Education Program	167
	Community Development Program: Friends Street Children	143
	Community Development Program: Sustainable Agriculture and Family Empowerment	204
	Commune Elections Support Program	600
	Destroy A Minefield (Phase 2)	440
	Cambodia Small Activities Scheme	841
	Strengthening Community Organisations	465
	Takeo/Kandal Integrated Rural Development Project	143
	UNDP: Trafficking in Women & Children	4
China	Human Rights Technical Cooperation Program	867
	Tianjin Laid-Off Women Workers	180
	UNDP: Trafficking in Women & Children	4
Regional - East Asia	Against Trafficking in Women and Children	247
	Return & Reintegration of Trafficked Victims	1,619
East Timor	Anti-Corruption Awareness Project	81
	Community Empowerment & Strengthening Human Rights	290
	Electoral Assistance to East Timor	809
	Capacity building for Employment	318
	Grassroots NGO Capacity Building Scheme	115
	June 2001 Donors Meeting for East Timor	10

7 DFAT/AusAID submission 9 (Annex E - Australian aid activities that directly support human rights and good governance in the Asia Pacific Region, 2001-2002).

Country	Activity Name	Expenses 2001-2002 (\$'000) **
	NGO Capacity Building Bobanaro District	405
	Staffing Assistance Program	657
	Strengthening Civil Society, Law & Justice	205
	Training for Development & Capacity Building	369
	UN Civic Education Project	34
Fiji	Australian Community Assistance Scheme	300
	Civil Society Program	150
	Fiji Elections 2001	1,032
	Fiji Women's Crisis Centre (Phase 3)	425
India	Capacity Building for Activists in Advocacy and Social Mobilisation	99
Indonesia	Indonesia-Australia Specialised Training Project Phase 2 (Human Rights training)	844
	Institutional Support for Komnas HAM	462
	Capacity Building for Employee Rights Training	40
	Peace Building & Conflict Prevention	10,356
Laos	UNDP: Trafficking in Women & Children	4
Pacific - Regional	Child Abuse in the Pacific	495
	Pacific Governance Educational Series	50
	South Pacific Electoral Administrators Workshop	84
	South Pacific Media Initiative	508
Papua New Guinea	Bougainville NGO Project	611
	Bougainville Peace Related Transport	219
	Bougainville Strengthening Communities for Peace	163
	Bougainville Support for Peace Process	1,578
	Electoral Commission Institutional Strengthening Project	1,572
	PNG Community Development Scheme	1,933
Philippines	Community Assistance	3,670
	UN Multi-Donor Program in Southern Philippines (Phase 3)	1,000
	Vulnerable Groups Facility	10,560
Solomon Islands	Community Peace and Restoration Fund	3,598
	Demobilisation of Special Constables	1,331
	International Peace Monitoring Team	117
	Post-Conflict Recovery Program Missions	38
	Red Cross Capacity Building	326
	Support for a Peaceful Civil Society	1,725
	Support for the Peace Process	484
	Support to Solomon Islands Elections	2,831
	World Vision Local Capacities for Peace (Stage 2)	152
	Youth and Women's Initiative	473
South Asia - Regional	South Asia Australia Community Assistance Scheme	1,145
Sri Lanka	Community Resettlement Program	1,445
	Sri Lanka Program Development	75
Thailand	Community Self-Reliance Project	1,143
	UNDP: Trafficking in Women & Children	4
Vanuatu	Vanuatu Women's Centre (Phase 3)	258
Vietnam	Ho Chi Minh National Political Academy Human Rights Training (Phase 2)	100
	Small Activities Scheme	920
	UNDP: Trafficking in Women & Children	4
Global	Sphere Project	273
	Humanitarian Accountability Project	250
	Reachout Refugee Protection Training Project	180
	Ottawa Mine Ban Treaty - 3rd meeting	76
	Community Development Analyst for Asian Development Bank's NGO/Government Cooperation Plan	32
	Capacity Building Program	26
	Child Protection	257
	Children, Youth and Community Development	356

Country	Activity Name	Expenses 2001-2002 (\$'000) **
	Commonwealth Media Development Fund	52
	Community Development Program	262
	Community Development for Poverty Alleviation	226
	Health and Rights of the Child	180
	Human Rights Ad Hoc Fund	93
	Human Rights Fund	500
	Human Rights Fund Small Grants Scheme	849
	International Campaign to Ban Landmines Advocacy in SE Asia	68
	Integrated Rural Development Program	479
	Implementation Support Unit (for Mine Ban Treaty)	31
	Enhancing Women's Skills for Participation in Community Structures	145
	Landmine Monitor 2002	214
	Managua Challenge Fund (Mine Ban Treaty)	76
	Medialink Professional Placement Project	13
	Pacific Program	43
	Sponsorship for Landmines Conventions	13
	Strengthening Civil Society	525
	Support for the ADB NGO Centre	330
	The Centre for Democratic Institutions	1,000
	UN High Commissioner for Human Rights	200
	UN Mine Action Service Core Contribution	255
	Urban Development Program	146
<b>AusAID-funded Activities Subtotal</b>		<b>69,977</b>
<b>Other Government Department-funded Activities Subtotal</b>		<b>33,653</b>
<b>CIVIL SOCIETY AND HUMAN RIGHTS SUBTOTAL</b>		<b>103,630</b>

## (ii) LEGAL AND JUDICIAL DEVELOPMENT

Country	Activity Name	Expenses 2001-2002 (\$'000) **
<b>AusAID-funded Activities</b>		
Cambodia	Criminal Justice Assistance Project (Phase 2)	798
	Criminal Justice Assistance Project	443
East Timor	East Timor NGO Support Program	20
Fiji	Legal Sector Project - Transcription and Director of Public Prosecutions Support	191
Indonesia	International Crisis Group - Indonesia	100
	Legal Reform Project	1,224
	Legislative Drafting: Training and Technical Assistance	1
Pacific - Regional	Judicial Strengthening	76
Papua New Guinea	Access to Laws Project	544
	AG's Department Institutional Strengthening	3,048
	Correctional Services (Phase 2)	7,924
	Justice Program Development	192
	Law and Justice Sector Support Program	202
	Legal Capacity Building Project	1,726
	Legal Institutions Project Monitoring & Review	82
	Ombudsman Commission Project	1,181
Solomon Islands	Law & Justice Institutional Strengthening	4,255
Tonga	Legal Sector Institutional Strengthening	7
Vanuatu	Legal Sector Assistance	792
Global	Legal Capacity Building	161
<b>AusAID-funded Activities Subtotal</b>		<b>22,967</b>
<b>Other Government Department-funded Activities Subtotal</b>		<b>403</b>
<b>LEGAL AND JUDICIAL DEVELOPMENT SUBTOTAL</b>		<b>23,370</b>

## (iii) PUBLIC SECTOR REFORM

Country	Activity Name	Expenses 2001-2002 (\$'000) **
	<b>AusAID-funded Activities</b>	
Afghanistan	Trust Fund for the Interim Authority	1,040
China	Capacity Building Program	5,838
	China Australia Governance Program	10
East Timor	Interim Capacity Building Program for East Timor (CAPET) - Governance	4,020
	Staffing Assistance Program for East Timor/CAPET Review	73
	Refurbishment of Parliament House building	3,293
Fiji	Fiji Islands Revenue & Customs Authority	1,498
India	India - Australia Training & Capacity Building	3,483
Indonesia	Decentralisation Activities	312
	Indonesian National Police (Polri)/AFP Working Group Meeting on Transnational Crime	19
	Land Administration Project	7
	Partnership for Governance Reform	4
Kiribati	Customs Division Institutional Strengthening Project	244
Laos	Land Titling Project (Phase 1)	1,821
Macau	Provision of Analyst Notebook Licences and Training	20
Marshall Islands	Policy and Management Reform Allocation	61
Micronesia, Fed. States of	Policy and Management Reform Allocation	70
Pacific - Regional	Maritime Boundaries Delimitation	225
	PMR Small Activities	216
Papua New Guinea	Centre for Democratic Institutions	21
	Immigration Division Strengthening Program	48
	Local Government Partnerships	393
	PNG Public Sector Reform Project	2,413
	Renovation of Royal PNG Constabulary (RPNGC) Buildings & Infrastructure	21
	RPNGC Development Project (Phase 3)	18,467
	RPNGC Project Monitoring & Review Group	212
	State, Society & Governance in Melanesia	110
Philippines	Philippines - Australia Governance Facility	10,741
Samoa	Institutional Strengthening - Immigration Department	323
	Public Service Commission - Institutional Strengthening	738
	Public Works Institutional Strengthening	50
	Quarantine Improvement Project	543
	Department of Education - Institutional Strengthening	993
	In-country training (component to train Public Servants)	724
	Ministry of Agriculture, Forestry, Fisheries and Meteorology - Institutional Strengthening	316
	Water Authority - Institutional Strengthening	923
	Police Project	643
Solomon Islands	Customs Assistance	486
	Ministry of Lands Technical Assistance	997
	Small Scale Economic Reform Projects	197
	Public Financial Management Project	720
Sri Lanka	Training and Capacity Building Project	369
Thailand	Capacity Building Facility	4,105
	Government Sector Linkages Program	732
	Large Taxpayer Office Support Project	204
Tonga	Strengthening Program Budgeting Project	827
Tuvalu	Public Sector Reform Project	18
Vanuatu	Australian Staffing Assistance Scheme	661
	Public Service Reform Project	1,670
	Vanuatu Police Project	759

Country	Activity Name	Expenses 2001-2002 (\$'000) **
Vietnam	Governance Sector Program Development	236
	Ho Chi Minh National Political Academy Public Policy Research and Training Project	65
Global	Bali Ministerial Conference on People Smuggling, Trafficking in Persons & Related Transnational Crime	90
	UN International Drug Control Program (UNDCP)	800
<b>AusAID-funded Activities Subtotal</b>		<b>72,869</b>
<b>Other Government Department-funded Activities Subtotal</b>		<b>16,498</b>
<b>PUBLIC SECTOR REFORM SUBTOTAL</b>		<b>89,367</b>

**(iv) OTHER GOVERNANCE**

Country	Activity Name	Expenses 2001-2002 (\$'000) **
<b>AusAID-funded Activities</b>		
Pacific - Regional	Forum Secretariat Core Budget	1,073
	Pacific Technical Assistance Facility	177
	Small Projects Pacific Region	387
	World Bank South Pacific Facility	510
Global	Commonwealth Fund for Technical Co-operation (CFTC)	8,717
	Commonwealth Youth Program (CYP)	536
	UN Development Program (UNDP)	7,000
<b>OTHER GOVERNANCE SUBTOTAL</b>		<b>18,400</b>

<b>TOTAL HUMAN RIGHTS AND GOVERNANCE</b>	<b>234,767</b>
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\* In accordance with the Terms of Reference of the Inquiry, this table does not include activities listed under the Governance subcategory of Economic Management.

\*\* As at 21 November 2002, these figures are provisional only.