



Submission No 23

Inquiry into Human Rights and Goods Governance Education in the Asia Pacific Region

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Mr Adam Cunningham
Secretary
Human Rights Sub-Committee
Joint Standing Committee on Foreign Affairs
Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Mr Cunningham,

**ACFOA Submission
Parliamentary Inquiry into Human Rights and Good Governance Education
in the Asia Pacific Region**

Attached is the submission from the Australian Council for Overseas Aid (ACFOA) to the abovementioned Parliamentary Inquiry. Thank you for the opportunity to lodge a submission.

We look forward to attending hearings at your request. For any further inquiries about this submission, please contact Ms Neva Wendt, Policy Director at ACFOA.

Yours sincerely

Graham Tupper
Executive Director

Submission No. 22

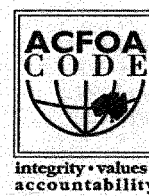


AUSTRALIAN COUNCIL
FOR OVERSEAS AID

**PARLIAMENTARY INQUIRY INTO
Human Rights and Good
Governance Education in the Asia
Pacific Region**

**SUBMISSION TO
THE HUMAN RIGHTS SUB-COMMITTEE,
THE JOINT STANDING COMMITTEE ON FOREIGN
AFFAIRS, DEFENCE AND TRADE**

FEBRUARY 2003



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ACFOA is the coordinating body for some 90 Australian non-government organisations in Australia and administers a Code of Conduct committing members to high standards of integrity and accountability.

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SUMMARY OF RECOMMENDATIONS

ACFOA recommends that the Australian Government:

- * prioritises within its good governance agenda, increased access to culturally and socially relevant basic education in the Asia Pacific region as a means towards enabling greater involvement of civil society in the decision-making process.
- * prioritises, as part of more effective promotion of good governance and human rights, support to training in implementation of international human rights standards.
- * continues to provide financial assistance to the Secretariat of the Asia-Pacific Forum of National Human Rights Institutions for an additional three years in its transition to self-funding; to the global National Human Rights Institutions (NHRI) program through the OHCHR Voluntary Trust Fund; and allocates funds for a full-time permanent international human rights law adviser to service the Advisory Council of Jurists and to support NGO participation in the Asia-Pacific Forum of NHRI and regional workshops.
- * develops new cooperative arrangements to support and enhance the work being done by Australian development NGOs in promoting human rights and good governance.
- * promotes the UN Decade for Human Rights Education and supports an adequately financed Action Plan on Human Rights Education for the remainder of the decade.

Parliamentary Inquiry Into Human Rights And Good Governance Education In The Asia Pacific Region

EXECUTIVE SUMMARY

"Human rights and good governance education" is increasingly recognised as an important tool for promoting fair and sustainable social, political and economic development in the Asia Pacific region. Less well appreciated is the role played by "basic education". This submission covers these two interrelated aspects of education, recognizing that effective and sustainable progress in good governance and human rights can only be built on investment in basic education.

The Australian Council for Overseas Aid (ACFOA) believes that effective progress on good governance and human rights education in the Asia Pacific region requires:

- Culturally and socially appropriate basic education;
- Specific good governance and human rights training and associated institutional support;
- Promotion of the UN Decade for Human Rights Education and support for an Action Plan for the remainder of the decade; and
- New cooperative arrangements and support for the human rights and good governance work being undertaken by Australian development NGOs.

ACFOA believes that there is more scope for *implementation* of human rights principles within the government's good governance agenda. This submission notes as obstacles to progress on human rights and good governance education: (i) inadequate support for basic education, (ii) lack of existing human rights mechanisms in the region, and (iii) the size and diversity of the region.

ACFOA notes several positive developments and achievements towards human rights and good governance education such as the Asia-Pacific Forum of National Human Rights Institutions; strong sub-regional NGOs both in Asia and the Pacific; effective training through the Centre for Democratic Institutions (CDI) and the Diplomacy Training Program (DTP); regional inter-governmental initiatives on transboundary issues; together with specific projects, many of which are undertaken by Australian NGO development agencies.

As the UN Decade for Human Rights Education (1995-2004) draws closer to its end, ACFOA notes that it has definitely contributed to increasing awareness about human rights. However, in this submission we raise several questions that will need to be addressed in order to maintain a strong focus globally on human rights education into the future. To this end, ACFOA calls upon the Australian Government to give support to an Action Plan for the remainder of the decade.

Term of Reference 1: The role of human rights and good governance education in the promotion of fair and sustainable social, political and economic development.

"Human rights and good governance education" is increasingly recognised as an important tool for promoting fair and sustainable social, political and economic development in the Asia Pacific region. Less well appreciated is the role played by "basic education". This submission covers these two interrelated aspects of education: specific human rights and good governance education and the more fundamental basic education.

The role of basic education

Effective and sustainable progress in good governance and human rights can only be built on investment in basic education. Basic education is a key element in the good governance equation. It ensures that the wider population is empowered to actively participate in a country's decision-making process. An educated and informed civil society has:

- the capacity for a critical appreciation of government policy and action;
- the ability to respond to government decision-making and to form groups which will affect government decision-making;
- sufficient knowledge and self-confidence to participate in the decision-making process at various levels of government;
- the capacity to form community action groups which will benefit diverse members of the community.¹

AusAID's "experience in delivering aid programs has demonstrated that the development and maintenance of the political, economic and social reforms which are initiated through aid projects is significantly influenced by the degree to which the key characteristics of good governance are present. Such characteristics include a democratic framework, strong and efficient institutions which are accountable and transparent, and a **vibrant civil society** which facilitates citizen participation on a range of levels".²

A vibrant civil society is possible where a wide cross section of the population has access to basic education. Basic education was agreed by the international community in 2000 as one of the eight Millennium Development Goals (MDGs) and is well recognised as being pivotal to sustainable development. Increased aid to developing countries in the Asia Pacific region, targeted at basic education, is important to the empowerment process, giving citizens the capacity to ensure that their governments are transparent and accountable. Education specifically about human rights and good governance practices is another important element in the promotion of fair and sustainable social, political and economic development.

¹ 'The Art of Governance: Putting the Pieces Together', Jennifer Buckley (Ed.), Global Education Centre, South Australia, p47.

² The Art of Governance, op. cit., p1

Human Rights and Good Governance Education

Specific **good governance education** includes training and dissemination of information that promotes a concept of governance. There is an underlying assumption that this is only possible with an educated and informed public – “basic education” thus forms an essential element to good governance.

ACFOA welcomes the continuing commitment of the Australian Government to the pursuit of good governance as part of an integrated and coherent aid program. This is based on an understanding of good governance as enabling a country to be managed in a way that is transparent, accountable, equitable, sustainable and responsive to people's needs.

ACFOA understands good governance to embrace a wide variety of activities including an effective electoral system, law enforcement and legal systems which support the effective rule of law, efficient and accountable institutions managing taxation and economic policy, human rights including a free press, and opportunities for citizens to associate freely, express their views and influence government policies and decision making.

ACFOA believes that good governance activities need to be focused on building the capabilities of the state at various levels to promote poverty reduction and should be tested against the following criteria with regard to the extent to which the activities:

- foster political systems which provide opportunities for all people, including the poor and disadvantaged, to influence government policy and practice;
- ensure equitable and universal provision of basic services – including basic education;
- ensure personal safety and security with access to justice for all;
- provide a stable environment which encourages investment and trade for pro-poor economic growth; and
- develop transparent and accountable government that combats corruption.

In proclaiming the United Nations Decade for Human Rights Education in December 1994, the General Assembly defined **human rights education** as "a life-long process by which people at all levels of 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."³ The Assembly emphasised that the responsibility for human rights education rested with all elements of society - government, NGOs, professional associations, and all other sectors of civil society, as well as individuals.

The Plan of Action for the Decade further defines 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 molding of attitudes which are 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;

³ General Assembly Resolution 49/184, 23 December 1994.

- 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."⁴

ACFOA refers the Committee to an AusAID human rights education website on the link between human rights and good governance.⁵

In the Asia Pacific region, "basic education" and specific "human rights and good governance education" are interlinked and are integral to promoting sustainable social, political and economic development.

Recommendation 1

That the Australian Government prioritises within its good governance agenda, increased access to culturally and socially relevant basic education in the Asia Pacific region as a means towards enabling greater involvement of civil society in the decision-making process.

⁴ Plan of Action of the United Nations Decade for Human Rights Education (1995-2004), Para 2

⁵ <http://globaled.usaid.gov.au/secondary/casestud/governance/1/governance.html>

Term of Reference 2: Australia's involvement in human rights and good governance education in the Asia Pacific region, identifying achievements and obstacles to further progress.

Australia's involvement

The Minister for Foreign Affairs, in his Annual Statement to Parliament on Australia's Development Cooperation Program in December 1998, outlined a specific framework for supporting human rights through Australia's aid program. This framework consists of six principles, one of which clarifies that a major source of activity will be institutional strengthening and "practical" activities, and another that states that most discussion about human rights will take place at high diplomatic levels in the form of bilateral dialogues. The Minister also stated:

The increased emphasis on governance is not limited to economic and financial management issues. It also includes a strong focus on human rights. Regional governments increasingly accept that getting their economic fundamentals correct is only part of the task. Australia's aid program is seeking to build on this recognition that sustainable development is strengthened where human rights are genuinely protected and exercised.⁶

ACFOA refers the Committee to our strong view previously expressed in the 2001 Senate Inquiry into the Link Between Human Rights and Aid that sustainable development can be best achieved by using a human rights framework for all development activities.

In reality, whilst there is much 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. Good governance is seen by the Australian government, and by most major OECD donors as a crucial precondition to sustainable development. Spending on governance in the Australian aid budget increases every year, comprising 20% of overall aid expenditure in 2002-03 or \$355 million, a rise of 5% on the previous year. Significant assistance is provided to a range of 'good governance' mechanisms in the areas of institutional strengthening for law and order, public sector structural adjustment and economic capacity building. Less assistance, however, is channeled to basic education that, as stated above, is an integral element in facilitating more effective good governance.

ACFOA believes that the good governance agenda should be more clearly focused so that people living in poverty are at the centre of economic and political reform and have access to adequate social services. Both good governance and human rights are ultimately about accountability for decision-making. Sustainable development requires analysis of sites of power, institutions and structures. While the Australian Government's approach of focusing on bilateral relations with the recipient government is good, ACFOA would argue for a far stronger focus and emphasis to be given to the role of civil society in human rights and good governance education and for a greater emphasis to be placed on basic education.

⁶ Hon. Alexander Downer, Eighth Annual Statement to Parliament on Australia's Development Cooperation Program, December 1998.

ACFOA believes that Australia should critically assess its aid delivery in the Asia Pacific region with an emphasis on:

- the relative emphasis within aid program governance activities given to (i) economic and financial reform and (ii) human rights (for example, basic education), social and cultural rights.
- the integration of gender considerations into the aid program governance activities.
- greater technical and financial assistance to specific training in implementation of international human rights standards.⁷

A human rights approach advocates strong civil society organisations and respect for the civil and political freedoms of private individuals and groups to organise and represent the interests of vulnerable communities, to participate in public affairs and express their views on national development and political priorities.

ACFOA believes the protection of the civil and political rights of citizens of developing countries should be a key aim of the Australian 'good governance' agenda.

Obstacles to progress

ACFOA identifies the following obstacles to progress on human rights and good governance education:

1. Inadequate support for "basic education"

The right to participate in public affairs (Article 25 of the International Covenant on Civil and Political Rights) in a developing country context can be translated as:

The right for vulnerable communities and civil society organizations to participate in the formulation of poverty reduction strategies of donors and to participate in the 'design', 'implementation' and 'evaluation' of specific aid programs.

This right is heavily dependent upon civil society being educated and well informed. The Government's 'good governance' agenda without adequate emphasis on basic education thus runs the risk of neglecting a major element associated with 'stakeholder ownership' and a bottom-up approach.

2. Lack of existing human rights mechanisms in the region

The Asia Pacific region has no regional human rights treaty, no regional court, no regional human rights commission, no independent regional human rights centre and no established regional peak NGO body. The Asia Pacific Human Rights Network set out the long struggle for some sort of regional cooperation in Human Rights:

Many Asia Pacific Governments find it difficult to explain as to why even incremental progress on a regional human rights arrangement in the Asia-Pacific Region has been like chasing a mirage...The experience with National Human

⁷ See Annex 1 for examples of specific activities of financial assistance and training.

Rights Institutions (NHRIs) has not been encouraging... The National Plans of Action are yet to take off in the region. Ratification of international instruments is like waiting for Godot. Human rights education has little meaning when there has been little substantive debate on curriculum design and a road map for introduction in the regular educational system. This, notwithstanding, the sub-regional workshops on Human Rights Education in Seoul and Tokyo.⁸

3. The size and diversity of the region

A challenge for human rights and good governance education in the Asia Pacific region relates to the size of the region and diversity of ethnic and cultural groupings. There is a need for institutions and material that, whilst based on universal principles of human rights, also take into account cultural and social specificity. What is appropriate for human rights and good governance education in Asia is not necessarily appropriate for educating people in the Pacific. Likewise, what is appropriate for any one particular country or one particular ethnic group within the Asia and Pacific sub-regional groupings may not be readily transferable to any other country or group. The challenge exists in providing adequate resources to cater for this diversity.

Achievements so far

ACFOA regards as achievements:

- The Asia-Pacific Forum of National Human Rights Institutions (NHRI), and parallel NGO Meeting
- Strong sub-regional and national NGOs within the region (such as the Pacific Concerns Resource Centre) and development of cooperation between peak bodies, such as ACFOA, the International Forum for Indonesian Development, the New Zealand Council for International Development, the Pacific Island Association of NGOs, and the East Timor NGO Forum.
- The Centre for Democratic Institutions (CDI)
- The Diplomacy Training Program (DTP), UNSW
- Regional intergovernmental initiatives on transboundary issues such as HIV/AIDS, trafficking, climate change, and nuclear testing.
- Initiatives such as the PNG Access to Laws project and the Cambodia Criminal Justice Assistance Project.

Institutional-Strengthening - The Asia-Pacific Forum of National Human Rights Institutions

ACFOA regards the NHRI program as an important contribution in the Asia Pacific Region to building long-term sustainable institutions for the promotion and protection of human rights, including strong components of human rights and good governance education. Australian funding to the Office of the High Commissioner for Human Rights Voluntary Trust Fund for the global NHRI program, and additional support to the Secretariat to the Asia Pacific Forum located in the Australian Human Rights and Equal Opportunity

⁸ Human Rights Feature No. 16, 2000. "No miracles in the Forbidden City Ritual Workshop in Beijing for an Asia Pacific Regional Human Rights Arrangement". Online: <http://www.hri.ca/partners/sahrdc/hrfeatures/hrf16.htm>

Commission (HREOC) should continue. The HREOC has contributed significant staffing and resources to the Secretariat over and above the direct funding and continues to host the Secretariat.

Building strong national institutions that are sustainable requires a long-term commitment, a clear agenda and the resources and resolve to ensure that certain key criteria are met consistently over time. Weak national institutions will only serve to undermine human rights protection in the region by giving national governments the opportunity to window dress poor human rights records with a superficial commitment to addressing human rights issues. The Asia Pacific Forum members vary widely in capacity and expertise so it is vital that they have an institutional mechanism that has the capacity to support them.

Australia has an interest and an obligation to continue to support the building of transparent and accountable human rights institutions in the Asia Pacific Region that are effective mechanisms for human rights education and protection. The Secretariat must have adequate resources:

- to meet the education and training needs of the Commissioners and their staff to ensure that personnel have the relevant skills and knowledge to discharge their responsibilities;
- to provide/arrange relevant technical assistance for drafting domestic laws that ensure newly established national institutions are constituted by statutes which guarantee independence from government and meet the basic criteria of the Paris Principles; and
- to monitor the development of each institution on an ongoing basis and provide advice and support when needed. This should include, when necessary, the commissioning of independent evaluations and the publishing of progress reports on the performance of national institutions and their effectiveness as a mechanism for the promotion and protection of human rights.

The creation of the **Advisory Council of Jurists** is a recent innovation with potential to promote human rights observance in the region by providing jurisprudential support on a regional basis. The Council was established to provide international human rights law advice on issues of regional significance and common interest to Asia Pacific Forum members. Advisory opinions on the death penalty and child pornography on the Internet have already been provided. Members refer issues to the Council during the annual meeting. This is a unique opportunity to support human rights and good governance education at a regional level.

National institutions should be encouraged to consult with their domestic non-government organisations about which issues can be usefully addressed to the Council. This would draw upon the experience and expertise of human rights organisations in the Asia Pacific region that are frequently dealing with issues of a regional rather than entirely domestic nature. Examples include violence against women, trafficking of women and children, child labour and the treatment of asylum seekers.

Transparency and accountability of the Asia Pacific Forum itself is important to foster democratic participation in the debate on regional human rights issues and the performance of national institutions and the governments that establish them. This can only be guaranteed by facilitating the participation of non-government organisations in the annual Asia Pacific Forum meeting, regional workshops and other relevant meetings. ACFOA was pleased to see that there were more opportunities for direct NGO involvement

in the proceedings of the annual meeting held in November 2002 in New Delhi and strongly encourages the Asia Pacific Forum to continue this practice and expand upon this precedent. Early distribution of the annual meeting agenda will assist NGOs to prepare in advance their input to the proceedings. Recognition of the role of NGOs should be made explicit in the constitution of the Asia Pacific Forum based on consultation with NGO participants.

Recommendation 2

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.

Recommendation 3

That the Australian Government:

** 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) program 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.*

Term of Reference 3: 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.

The Role of Australian NGOS

ACFOA is pleased to share the profiles of NGO programs and campaigns as case studies in the area of human rights and good governance education in Annex 2. The Projects are:

- Save the Children Fund, Child Rights Project, Bangladesh (Children's Councils)
- Caritas Australia, Sexual Assault Training in East Timor
- Australian Legal Resources International, Indonesian Judicial Training Program
- Diplomacy Training Program, University of NSW (UNSW)

Campaigns included are:

- Oxfam Community Aid Abroad – Make Trade Fair, and the Mining Ombudsman
- The Australian Network for the International Campaign to Ban Landmines
- Jubilee Australia Drop the Debt Campaign
- Water Matters Australia – Safe Water for All

Key features of these case studies include the fact that in translating the humanitarian values of our community donors into policy and action, the voluntary overseas aid and development community in Australia, after considerable debate, has articulated the following principles in the ACFOA Code of Conduct. These principles guide the work of 120 signatory non-government development organisations in gaining and making effective use of voluntary community support for their international work:

- priority given to the needs and interests of the poor and marginalised
- encourage self-reliance and avoid creating dependency
- based on the authentic participation of people in programs that affect their lives
- respect and foster human rights, both socio-economic and civil-political
- seek to enhance gender equity
- understand and respect the history and culture of the people served.

Working in partnership with civil society groups in developing countries offers a key opportunity to promote good governance and human rights education messages in very practical ways, in specific programs or campaigns or mainstreamed as an important component of service delivery programs. For example, community HIV/AIDS programs might contain community education campaigns about discrimination and the right to health. The practice of promoting full participation of citizens in programs, poverty analysis that attempts to understand the structural barriers to participation of the most marginalised and poorest in a particular society and long-term, trusting relationships are hallmarks of an Australian NGO approach to sustainable development.

Recommendation 4

That the Australian Government develops new cooperative arrangements to support and enhance the work being done by Australian development NGOs in promoting human rights and good governance.

Term of Reference 4: Progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education.

Key Questions for Australia

The UN Decade for Human Rights Education (1995-2004) has created more awareness about the need to educate about and for human rights. As well, the Decade has prompted, with major differences from country to country, the development of some human rights education (HRE) activities and strategies. Once the Decade for HRE is over, it will be vital to ensure that human rights education is continuously encouraged and promoted globally.

The following questions will be important ones on which to focus into the future, the responses to which could be fed back to the United Nations:

- How can governments be encouraged to meet their obligations to develop formal and non-formal human rights education programs for children, youth and adults? What are successful efforts that could serve as an example in other countries? How can the United Nations support non-governmental organisation's (NGO) efforts in this area?
- Was the exercise to develop national plans for HRE (or an overall human rights or related plan with a HRE component), within the Decade, a useful undertaking? Why? If no such plan were developed, would this still be a meaningful course of action for the national and international community to pursue? Why?
- How can HRE activities of governments be better monitored by national, regional and international organisations/mechanisms?
- What served as good partnership efforts at the national level between governments, NGOs and other actors, which could inspire other countries? What were the "facilitating" factors for such a partnership to be established?
- How can efforts at the local and national levels be better coordinated in order to ensure the maximum use of existing initiatives, materials and resources at all levels?
- What could the United Nations do to enhance HRE, both at the national and local level? What would also be specifically useful for NGOs working at the national and local levels?

Recommendation 5

That the Australian Government promotes the UN Decade for Human Rights Education and supports an adequately financed Action Plan on Human Rights Education for the remainder of the decade.

CONCLUSION

The issue of human rights and good governance education in the Asia-Pacific region is a wide-ranging topic. Underpinning this issue is the importance of peoples' right to basic education on which real progress in human rights and governance activities can be built and sustained. Effective progress on good governance and human rights education in the Asia Pacific region requires:

- culturally and socially appropriate basic education;
- specific good governance and human rights training and associated institutional support;
- promotion of the UN Decade for Human Rights Education and support for an Action Plan for the remainder of the decade; and
- new cooperative arrangements and support for the human rights and good governance work being undertaken by Australian development NGOs.

ANNEX 1

EXAMPLES OF SPECIFIC TECHNICAL AND FINANCIAL ASSISTANCE TO HUMAN RIGHTS TRAINING

- Supporting the development of National Action Plans on human rights throughout the region using Australia's first National Action Plan as a model.
- Providing capacity building for legal drafting of domestic laws which implement the international law obligations of national governments to which they are a party or are considering ratification, especially in relation to the ICCPR, ICESCR, CEDAW, CERD, CAT and CROC and associated protocols.
- Developing independent judicial systems, staffed by professionally trained judicial officers adequately remunerated and capable of providing fair trial in civil and criminal matters.
- Supporting functioning electoral commissions underpinned by electoral laws that respect the principle of universal suffrage and provide for periodic elections.
- Supporting independent, well-resourced public prosecutors who operate consistently with the UN Guidelines on the Role of Prosecutors.
- Providing well trained and resourced law enforcement systems which operates consistently with the Code of Conduct of Law Enforcement Officials and other related UN standards.
- Supporting humane correctional services aimed at rehabilitation of adults and juvenile that meet UN minimum standards and guidelines for adult and juvenile detention standards.
- Supporting access to legal representation, including publicly funded aid, to ensure the right to fair trial and effective review of criminal and administrative detention.
- Supporting the establishment of national ombudsmen's offices.

All training should aim to be ultimately given by local people to be culturally and politically effective. Ideally, ACFOA believes that training should be:

- context-specific
- using local examples
- locally produced and resources made available for translation and printing costs
- integrated into other modules
- delivered by locals using train-the-trainer methods
- incorporating human rights messages into core, examinable subjects, and
- as creative as possible.

ANNEX 2

SELECTED AUSTRALIAN NGO PROGRAMS AND CAMPAIGNS SUPPORTING HUMAN RIGHTS AND GOOD GOVERNANCE PROJECTS IN THE ASIA-PACIFIC REGION, 2002

Programs

Save the Children Fund Australia Child Access to Rights through Development (CARD) Project Tangail District, Bangladesh

The Convention of the Rights of the Child (CRC) underpins the work of Save the Children Australia. Key principles of Child Rights are:

- indivisibility of rights – all children hold all rights
- children's rights are specifically identified in the four key areas of:
 - survival,
 - development,
 - protection,
 - participation
- non-discrimination and inclusion of all children
- the right to full participation and to be heard
- the overriding principle of the best interests of the child

The CARD project (1999-2002) was designed by Save the Children Australia to provide children in Bangladesh the right to participation in their own development. The Project focused on Tangail District where local NGOs were supported to work with children to develop Child Councils, each comprised 25 to 30 children, with equal numbers of separate child councils for boys and for girls. There are now 1,400 child councils with a total of 46,000 participating children. All children and their mothers receive training in the CRC, in health and nutrition, and in child development and life skills. Children participate in sports and recreational activities, which are now organised by the child councils themselves.

Child leaders for each council are elected by democratic election. The child councils mirror the local government system with representatives from each child council sitting on the next level of council, the Union Child Council. Representatives of the Union make up the Sub-district Child Council, and finally the District Child Council. The child council leaders have been able to present their concerns effectively, and have been heard by the local government representatives.

An evaluation after three years of the CARD project, showed children have gained:

- leadership qualities and skills
- increased self-esteem, confidence and positive thinking
- negotiation skills
- greater mutual respect and trust with adults
- improved health status
- improved commitment to school attendance

The children have identified three key issues that they consider a priority for ongoing project activities, in order for them to have their rights fulfilled. These are:

- *Early Child Marriage.* Children are often married at 12 to 14 years old, denying them the right to education. Young girls are at risk of serious health problems due to early pregnancy, and sometimes die as a result. Children are demanding an end to child marriage through a public information campaign and advocacy to local civil and religious leadership.
- *Corporal Punishment.* Children are routinely beaten at school and at home. Children are taking their concerns about this practice to the education authorities and local government as well as their own families.
- *Sexual Exploitation and Abuse.* The problem of sexual abuse perpetrated by older family members or trusted friends has been long hidden, but has emerged through the opportunity that the child councils provide to speak out. The children will now expose this problem in a public advocacy campaign (as was so successful with child marriage).

The project has proven that given an opportunity to participate, children can make a real and valuable contribution to their own development and to the principles of a strong and democratic civil society.

Caritas Australia Sexual Assault Training in East Timor

Practical approaches to human rights must start with the people's lived experience and build on that. It is pointless to utilise our worship of the text of the Universal Declaration in a different culture. It may even set human rights back by devaluing it into a set of meaningless words promising a lot but delivering nothing. So, how does a human development agency approach such a problem?

In East Timor our Human Rights program is focused on the provision of information and strategies to counter sexual assault. For decades Indonesian security forces used sexual assault as a weapon against local people suspected of supporting independence forces. Some of the taboos against sexual assault were broken down over time, a factor that has led to a widespread current problem in many Timorese communities. There is a frightening level of domestic violence, and an almost complete lack of the rule of law in remote areas.

Our Sexual Assault Response Team is able to conduct educational programs and help communities develop their own strategies against sexual assault. It is not focused on Indonesian crimes at all. It concentrates on the present and the future. The team is composed of young men and women and they travel all over the country. They have developed their own teaching styles and materials. They are building a culture of human rights.

This is the necessary base on which human rights can eventually be implemented through the legal system.⁹

Australian Legal Resources International (ALRI) Indonesian Judicial Training Program (IJTP) III 2001-02

⁹ "Practical Human Rights - The perspective of a development agency in East Timor" John Scott Murphy, Caritas, Paper delivered to ANZSIL East Timor Day, ANU June 14 2002

IJTP was developed in 1998 in partnership with the then Research, Training and Development Centre of the Supreme Court of Indonesia. The focus of the IJTP has been to facilitate educative dialogue between Australian and Indonesian judges through a mixture of participatory and educative activities with the goal of using the experiences of the Australian judicial sector to support and assist the Indonesian judiciary to address the priorities it has identified for its development. The training components of IJTP I, II & III have been run by the Federal Court of Australia, funded by AusAID and managed by ALRI and the Australia Indonesia Legal Development Foundation.

Goal: To support and assist the Indonesian Judiciary in enhancing its capacity as an independent arm of government in partnership with the Australian judicial sector and to strengthen the professional relationship between Australia and the Indonesian judiciary.

Implementation: This project was made up of a series of activities:

- A 3-week course in Australia for 14 Indonesian judges involving one week of workshops, one week of mentoring with a Federal Court Judge, and one week of selected research and discussions with key legal institutions.
- Four 3-day workshops for judges of the Indonesian Supreme Court conducted by Australian Judges in Indonesia which addressed issues such as case management, judicial independence and accountability, the Australian Legal System, alternative dispute resolution, class actions and IT.
- Two weeks intensive English language training at Indonesia Australia Language Foundation.
- Implementation of recommendations of IT needs analysis conducted under IJTP II, provision of associated equipment as well as the donation of legal texts.

What was achieved and learned?

In 2002, the Federal Court commissioned an independent assessment of the IJTP by Tim Lindsey, an Associate Professor at the Asian Law Centre of the University of Melbourne in order to seek further funding from AusAID to continue the IJTP. His assessment of the project was highly favourable and as he emphasised the next phase of IJTP would have to be implemented as quickly as possible to 'maintain the momentum of co-operation and prevent stagnation of linkages established by the Project', AusAID has agreed to continue funding IJTP with ALRI as head contractor. Tim Lindsey wrote that, "IJTP is unique in Australian judicial development assistance in Indonesia both for its duration and success. It has built strong linkages between the Australian Federal Court and the Indonesian Supreme Court, an institution that is key to the broader reform process in Indonesia." ALRI is currently planning IJTP IV.

Source: <http://www.alri.org.au/pdf/new/IND%20IJTP%203%202001-2002%20V1Oct.02.pdf>

The Diplomacy Training Program, UNSW

The DTP is a human rights education and training institution established by Jose Ramos Horta in 1989. It runs training courses in the region in human rights and "people's diplomacy" to non-government organisations and other sectors of civil society. It has developed specialised teaching materials and participatory skill-building methods based upon NGO needs and priorities. Housed in, but independent of the University of NSW, it

has focused particularly on strengthening the capacity of human rights activists from the Asia-Pacific region. It has run eleven annual training sessions of three to four weeks in Australia and the region, as well as 16 shorter in-country trainings, with a total of over 600 human rights defenders from 30 countries trained since its inception.

www.law.unsw.edu.au/centres/dtp

"Teaching HR standards is important in this era of religious intolerance. I find with my students that the Universal Declaration on Human Rights and Conventions are like an overarching ethical framework in which all religions can find some connection to what is best in their own moral and ethical teaching."

"I find every session I teach that this awareness of international human rights standards is empowering in itself. Its like you turn on a light-bulb for people struggling within their own culture or religion, and affirm the rightness of what they know instinctively."¹⁰

Campaigns

Oxfam Community Aid Abroad Make Trade Fair

In this campaign Oxfam accuses the rich world of robbing the poor world of \$100 billion a year by abusing the rules governing world trade and denying millions of poor people their best escape route from poverty.

"For every dollar we give in aid two are stolen through unfair trade, costing the poor world \$100 billion a year. Globalisation is leaving millions in despair, creating a world more unequal than ever before, when it could do the exact opposite. The wealth divide is at an all time high and the anger and social tensions that accompany such morally unacceptable inequalities threaten us all," warned Jeremy Hobbs, Executive Director of Oxfam International during the launch of Make Trade Fair, a global campaign in 18 countries to change the rules of trade.

The campaign was launched as the 144 countries of the World Trade Organization start to work on a new agenda of trade negotiations that will determine how world trade will be regulated in the future. WTO negotiations risk widening the global divide unless the rich world changes its approach to the concerns of developing countries.

In a new report *Rigged Rules and Double Standards* Oxfam shows that 128 million people could be lifted out of poverty if Africa, Latin America, East Asia and South Asia each increased their share of world exports by just one percent.

However, rich world hypocrisy and double standards stop this from happening because the rich world is rigging global trade rules by:

Subsidising rich farmers \$1 billion a day. Over-production of agricultural surpluses is dumped onto world markets, suppressing world prices and destroying local markets in poor countries.

¹⁰ Joan Staples, Diplomacy Training Program, University of NSW, December 2002, personal communication.

- Influencing the International Monetary Fund and the World Bank policies to prize open poor countries' markets with little regard to the social consequences. These are policies the rich world has itself rejected
- Stopping or penalising poor countries from exporting their goods into rich world markets. Goods from poor countries are taxed at four times the rate of goods from rich countries.
- Being indifferent to erratic, falling commodity prices that condemn many poor economies to failure, while generating huge profits for big corporations.
- Allowing big corporations to ride rough shod over internationally recognised workers rights.

The report also highlights that while some countries appear to be successfully boosting their economies through increased exports this has had little impact on levels of poverty. Oxfam is calling on poor country governments to adopt policies so that the economic benefits of trade help to alleviate poverty and do not increase inequality.

Source: www.maketradefair.com

Oxfam Community Aid Abroad The Mining Ombudsman

Oxfam Community Aid Abroad established the Mining Ombudsman in February 2000 due to the absence of an industry commitment to establishing a formal complaints mechanism for the Australian mining industry. The Mining Ombudsman has no official status in terms of the Australian Government or mining industry. As a pilot program, it is intended to achieve the following objectives:

- To assist men and women from communities affected by mining whose basic human rights are being threatened by the operations of Australian based mining companies, by raising their cases directly with the companies concerned within Australia.
- To assist men and women from communities affected by mining that are, or might be, affected by a mining operation to understand their rights as established under international human rights instruments and in respect of industry best practice.
- To help ensure that the Australian mining industry operates in such a way that the basic rights of landowners and men and women from communities affected by mining are better protected.
- To demonstrate the need for the Australian mining industry and the Australian Government to establish an official complaints mechanism within Australia.
- To demonstrate the need for developing enforceable, transparent and binding extraterritorial controls that would require Australian mining companies to adhere to the universal human rights standards laid down under matter where these companies operate.

The Mining Ombudsman receives complaints from communities affected by the operations of Australian-based mining companies, usually through Oxfam Community Aid Abroad's networks in Asia, the Pacific, Africa, and Latin America.

The Ombudsman checks all claims by making on-site investigations and takes action where the grievances appear to be credible. The Ombudsman consults with communities and community support organisations over any actions Oxfam Community Aid Abroad undertakes in respect of their case.

The role of the Mining Ombudsman is not to adjudicate on cases, but rather to seek to ensure that the process by which companies deal with communities is a fair and equitable one that respects the fundamental rights of men and women from affected communities. Essentially, it seeks to create opportunities for the voices of the powerless to be heard by the powerful. When people with grievances live in remote areas and lack the capability to access company officials at the highest levels, it is appropriate that someone undertake a facilitation role in order to ensure that their problems are articulated clearly to the people who have the power to deal with them.

Source: <http://www.caa.org.au/campaigns/mining/ombudsman/2002/objectives.html>

Australian Network for the International Campaign to Ban Landmines

The thrust for the formation of an Australian network of support for a ban came from Patricia Pak Poy in 1991. Her work was based in the offices of the Sisters of Mercy Adelaide and the Adelaide Diocesan Justice and Peace Commission that sent the first petition for action on the mine issue to the Australian Parliament in February 1992.

A network of people in non-government organisations: churches, professional groups, unions, academia, schools, community groups and individuals - worked together: to outlaw the use of landmines.

In November 1993 the Human Rights Council of Australia organised a seminar "Landmines a Human Rights Issue" at Parliament House Canberra, and the decision was taken by those present to form a national campaign. This gained the support of the Australian Council for Overseas Aid, its members and other community organisations which could support the platform of the International Campaign to Ban Landmines: to outlaw the production, stockpiling, use and transfer of antipersonnel mines, to support mine clearance and the rehabilitation of victims and survivors of mines.

The landmine issues gained international attention with the United Nations Review of the Convention on Certain Conventional Weapons (CCW.) Patricia Pak Poy was invited to be a member of the Australian Delegation (1994-6) to the Review, and then to the meetings leading to the international Mine Ban Treaty signed in Ottawa in 1997.

The Australian Network, with great support from NGOs especially from Australian Catholic Relief (now Caritas Australia) and the Uniting Church of Australia presented more than 219,000 signatures supporting a ban to the Australian Parliament in September 1995. With funding from individuals, foundations, NGOs and governments ran a series of conferences in the Asia Pacific region leading to and following the signing of the Mine Ban Treaty.

In 1998 the Australian Network was incorporated under its own constitution in South Australia. Today it is recognised by government and non-government agencies locally and internationally. It continues to work actively to universalise the Mine Ban Treaty, particularly in the South East Asian region.

Source: <http://australia.icbl.org/history.html>

Jubilee Australia Drop the Debt Campaign

The Jubilee campaign in Australia was coordinated by TEAR Australia from 1996 –2001 and now by the National Council of Churches.

The Campaign aims for the following global policy reforms:

- Establishing a transparent and participatory process to monitor international monetary flows.
- Transparency by the IMF and the World Bank in the creation and management of loans.
- The appointment of international arbitrators to oversee the negotiations between a debtor nation and creditors.

Jubilee Australia calls on the Australian Government to respond to the concerns of almost 400 000 Australians who have signed the global Jubilee 2000 petition presented to the G7 and take a pro-active role in resolving the debt crisis by:

- Actively working to ensure there is adequate international funding of the current and future debt initiatives in order to facilitate faster and greater debt reduction. Australia must meet its fair share of the cost of debt cancellation. Jubilee Australia welcomes the government's contribution to cancelling multi-lateral debt but this is just a start. Jubilee Australia calls for these welcome initial steps to be followed by further funding of contributions to debt cancellation from outside the existing AusAID budget.
- As a small step, cancelling the very small outstanding amount of bilateral loans to three Heavily Indebted Poor Countries (HIPCs). Jubilee Australia notes that the government has acknowledged that the impact of this action would be negligible on the Australian Government and economy. Here we should follow the policy lead set by President Clinton in September 1999 and Prime Minister Blair in December 1999 in moving to cancel their respective nations bilateral HIPC debt, so long as freed funds are used for social development to end poverty.
- Acknowledging that while the modified Heavily Indebted Poor Country (HIPC) Initiative [1999] is an improvement on the original HIPC Initiative [1996] it still is inadequate to deliver a clear exit from an unsustainable debt burden for indebted poor countries and requires further reform.
- Deploying bureaucratic expertise and diplomatic capacity to ensure that the HIPC Initiative continues to be reformed so that it does in fact deliver 'a clear exit from an unsustainable debt burden' for indebted poor countries.
- Acknowledging that support of debt cancellation is a way of living up to the promises it has made, through signing the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, of providing international assistance to play our part in ensuring that every person in the world has adequate food, health care and education.
- Actively work to ensure that the new Poverty Reduction Strategy Papers will be transparent in the trade-offs between policy choices and that the IMF and World Bank indeed fully discuss these with civil society representatives of the indebted countries.
- Actively work to ensure that the IMF and World Bank are held accountable for their programs by measuring their success in terms of achievements in poverty reduction, particularly their impact on the most vulnerable groups in each very poor debt burdened country.
- Actively ensuring that the IMF and World Bank carry out transparent consultations with indebted governments, civil society, the private sector and external donors to develop poverty reduction strategies. Ensuring that the citizens of very poor debt

burdened countries do in fact have a strong voice in all decisions, including how freed funds are used to reduce poverty. To achieve this the Government will need to become much more active in strengthening civil society in very poor debt burdened countries. Funding must be allocated for this capacity building purpose so that civil society groups can effectively scrutinize and participate in decisions by their governments.

- Actively working for the establishment of a mechanism whereby international arbitrators are appointed to oversee negotiations between each heavily indebted nation and its creditors.

Source: <http://www.jubileeaustralia.org>

Water Matters Australia - Safe Water for All!

Water Matters is an international campaign striving to see safe water and improved sanitation made available to the poor. Over one billion people lack access to safe and affordable water, and 2.4 billion people lack access to adequate sanitation.

The Johannesburg Summit agreed to a sanitation target to halve the number of people without access to adequate sanitation by 2015. This was a milestone achieved and it complements the existing Millennium Development Goal on water provision.

The AusAID development report (presented as The Eleventh Statement to Parliament on Australia's Development Cooperation Program, by The Hon Alexander Downer, Minister for Foreign Affairs) has now explicitly committed itself to water and sanitation as a priority as the following quotation shows: "We will increase water supply and sanitation assistance, with an explicit focus on sustainability through building local water management capacity in areas such as asset maintenance, revenue collection and budgeting."¹¹

Source: www.watermattersaustralia.org

¹¹ Hon. Alexander Downer, Minister for Foreign Affairs, Eleventh Statement to Parliament on Australia's Development Cooperation Program, September 2002, p.53.

ACFOA MEMBER AGENCIES

Action Aid Australia (For Those Who Have Less)
Adventist Development and Relief Agency
AESOP Business Volunteers Limited
African Enterprise Australia
AID/WATCH
Amnesty International Australia
Anglican Board of Mission - Australia
ANGLICORD
Appropriate Technology for Community and Environment
Archbishop of Sydney's Overseas Relief & Aid Fund
Assisi Aid Projects
AUSTCARE: Australians Caring for Refugees
Australia Asia Pacific Institute
Formerly CAPS-Victoria Uni
Australia Tibet Council
Australian Baptist World Aid
Australian Conservation Foundation
Australian Cranio Maxillo Facial Foundation
Australian Education Union
Australian Federation of AIDS Organisations
Australian Foundation for the Peoples of Asia and the Pacific
Australian Legal Resources International
Australian Lutheran World Service
Australian National Committee on Refugee Women
Australian Red Cross
Australian Relief and Mercy Services
Australian Reproductive Health Alliance
Australian Society for Intercountry Aid Children (NSW)
Australian Tuberculosis and Chest Association
Australian Volunteers International
Burnet Institute
CARE Australia
Caritas Australia
Child Wise Formerly ECPAT
Christian Blind Mission International (Australia)
Christian Children's Fund of Australia
Christian World Service/National Council of Churches in Australia
Community Health and Tuberculosis Australia
Credit Union Foundation Australia
Diplomacy Training Program Ltd
Foresight (Overseas Aid and Prevention of Blindness)
Foundation for Development Cooperation
Fred Hollows Foundation, The
Friends of the Earth (Australia)
Global Education Centre of South Australia
Habitat for Humanity Australia
HELP International Inc.
Human Rights Council of Australia
International Centre for Eyecare Education

International Christian Aid Relief Enterprises Limited
International Nepal Fellowship (Aust)
International Women's Development Agency
Interserve Australia
Leprosy Mission Australia
Live & Learn Environmental Education
Marist Mission Centre
Melbourne Overseas Mission Fund
Mercy Works Inc.
Mineral Policy Institute
Mission World Aid Inc.
Muslim Aid Australia
Nusatenggara Association Inc.
Opportunity International Australia
Overseas Pharmaceutical Aid for Life
Oxfam Community Aid Abroad
Oz GREEN - Global Rivers Environmental Education Network Australia Inc.
PALMS-Volunteering for a Global Mission
PLAN International Australia
Project Vietnam
Quaker Service Australia
R.E.S.U.L.T.S. Australia
RedR Australia
Refugee Council of Australia
Salesian Society Incorporated
Samaritan's Purse
Save the Children Australia
Sexual Health & Family Planning Australia
SIMAID
TEAR Australia
UNICEF Australia
Union Aid Abroad-APHEDA
United Nations Association of Australia
Uniting Church Overseas Aid
Victorian Foundation for Survivors of Torture Incorporated
Vinacare
World Vision Australia
World Wide Fund for Nature Australia
YWCA of Australia