



**JOINT STANDING COMMITTEE
ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

HUMAN RIGHTS SUB-COMMITTEE

**INQUIRY INTO HUMAN RIGHTS AND GOOD GOVERNANCE
EDUCATION IN THE ASIA PACIFIC REGION**

**SUBMISSION BY
THE HUMAN RIGHTS COUNCIL OF AUSTRALIA INC
JUNE 2003**

Human Rights Council of Australia Inc
Box L23 South Maroubra NSW 2035
Phone: +61 2 9311 0159
Email: frankovits@mpx.com.au
Web: <http://www.hrca.org.au>

The Human Rights Council of Australia Inc appreciates the invitation from the Human Rights Sub-Committee to make a submission to its Inquiry into Human Rights and Good Governance Education in the Asia Pacific Region. The Council is a private NGO founded in 1978 and striving for the domestic and international implementation of the International Bill of Rights. The Council has Special Consultative Status with ECOSOC, and is a foundation member of the Australian Forum of Human Rights Organizations and a member of the Australian Council for Overseas Aid.

The Council supports many of the recommendations submitted to the Inquiry by NGO colleagues. The recommendations below cover those recommendations that the Council feels should be highlighted in the report of the Sub-Committee to the Parliament. They are divided into those relevant to the domestic context and those most appropriate to the countries of our region.

THE DOMESTIC CONTEXT

1. Coordination

The Australian Government took considerable time to act on the Decade of Human Rights Education. While the Government has supported the formation of a National Committee to oversee the Decade, it has provided very few resources in support of the Committee. More importantly, it has not established any governmental mechanism to oversee the implementation of the recommendations for action on human rights education within Australia. The Government has proposed that the Human Rights and Equal Opportunity Commission be solely responsible for human rights education within Australia. While the Commission has a role in human rights education, it is an independent body that has no weight within responsible government departments and has only limited resources to provide education at the local level.

There is an urgent need to encourage the bureaucracy at both Federal and State levels to initiate programmes within the various government portfolios. The Council understands the resource constraints that would make it difficult to set up a standing inter-departmental committee that would meet on anything but the most irregular basis. However, we do have a model for the oversight of human rights in the Human Rights and Indigenous Affairs Section of the Department of Foreign Affairs that provides expertise and advice on human rights to the entire Department. A human rights focal point responsible for the implementation of the Decade in the most appropriate departments would at once demonstrate Australian commitment to human rights education and ensure that some action takes place in critical departments. Overall coordination of these focal points would most appropriately be situated within the Department of Prime Minister and Cabinet.

Recommendation

The Department of Prime Minister and Cabinet be made responsible for the overall coordination of Government actions on the Decade of Human Rights Education.

Following adoption of this recommendation, the Department of PM & C write to its colleagues in Federal and State Departments of Education, Labour and

Industry, Women's Affairs, Aboriginal and Torres Strait Islander Affairs, Social Security and Health, inviting each to appoint a human rights education focal point.

Human rights education focal points meet on a six monthly basis to exchange views, experiences and initiatives to implement the Decade.

Details of these initiatives be incorporated in Australia's revised National Human Rights Action Plan to be tabled at the UN Commission on Human Rights in 2004.

2. The Defence Forces

The Australian Defence Forces will be increasingly asked to participate in peace-keeping, and peace-building operations. While routine training currently does contain the basics of international humanitarian law, the type of operations that the Defence Forces are expected to participate in focus in the main on maintaining law and order. This is governed more by international human rights law than by the rules of war as codified in the Geneva Conventions. Human rights training is thus now an essential complement to humanitarian law to ensure Australian defence personnel are aware of their obligations in the full range of possible scenarios they may face.

A programme of training in human rights for all Defence Forces will ensure that Australia's human rights commitments will be met in these types of military operations. As it is, Australia already supports human rights training of the military in the Philippines and other countries. 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.

Recommendation

A human rights education programme be developed for all Australian military personnel.

All programs where Australia is training foreign military personnel have a strong human rights education component.

3. The Business Community

The business community has begun to explore the responsibilities that it has for the promotion of human rights both within and without Australia. Some companies have already taken the lead in looking at how they can address issues of disadvantage in indigenous communities. Others have looked how they can contribute to the re-affirmation of national values of tolerance and mutual support. Australia could lead the way in working with the business community to develop programmes for the promotion of human rights in corporate dealings whether in Australia or abroad. The Government needs to better understand the challenges that business faces in its

endeavours to promote human rights and how it can make training available to senior managers on the international human rights framework and how this impacts on the corporate bottom line.

Recommendation

The Government convene a conference with the participation of representatives of the corporate world, human rights experts and relevant Departments to explore the educational needs of the business community for the promotion of human rights

THE INTERNATIONAL CONTEXT

4. International action

The UN Commission on Human Rights originally decided on the Decade of Human Rights Education that is now drawing to a close. Many countries – both developing and developed among them Australia – took a considerable time to take action on the Decade. In fact, despite considerable lobbying, Australia only formed a National Committee around the middle of the Decade. A proposal for a second Decade of Human Rights Education was floated before the last Commission on Human Rights by NGOs and by the United Nations High Commission for Human Rights. As a promoter and active supporter of the first Decade and as a re-elected member of the Commission, Australia is in a good position to actively promote a second Decade.

Recommendation

Australia begin lobbying at the UN in Geneva and New York in support of a Second Decade of Human Rights Education for approval at the next UN Commission on Human Rights.

5. Human rights approach to development

AusAID has explicitly rejected the adoption of the human rights approach to development. However, it does support a number of human rights education projects in China, Indonesia and Burma, among others. The human rights approach to development calls for an analysis of poverty using the human rights framework, the establishment of strategies and goals based on the realization of individual human rights, the meaningful participation of stakeholders and the evaluation of success against clear human rights objectives. The Human Rights Council has called for Australia's involvement in a process started in Stockholm in October 2000 to explore the practical programmatic implication of the human rights approach to development. The educational function of such a process is obvious. A number of donor countries have indicated their intention to participate in the process and Norway and New Zealand are committed to do so.

Civil society has been far more prepared to look at the implication of the human rights approach and there are persistent calls in the region for training workshops, seminars

and teaching materials clarifying the nature of economic, social and cultural rights as they relate to poverty and their translation into implementation of the human rights approach. There is an opportunity for Australia to assist civil society organizations by providing support meeting these demands either directly or through private organizations. One essential ingredient for this to succeed is for the staff of AusAID in Canberra and in the field to become familiar with current thinking on the human rights approach to development and to update corporate knowledge on the clarification provided by human rights experts on the normative and core contents of economic, social and cultural rights.

Recommendation

A refresher course on the human rights framework, the human rights approach to development and the relationship between poverty and human rights be made available to senior management at AusAID.

AusAID explore the opportunities for supporting greater awareness on these issues among civil society organizations in the Asia-Pacific region.

6. Governance

The second term of reference of the inquiry seeks comments on the obstacles to further progress on human rights and good governance education. The Council has for some time questioned the increasingly universal use of the term “good governance” on the grounds that there is little if any agreement on the definition of the term. It considers therefore that it is difficult to measure progress in good governance education unless the latter is defined in context and more specifically. It is the view of the Council that good governance needs to be defined in human rights terms, whether in relation to democratic practice or the delivery of basic services.

Recommendation

Good governance benchmarks be established using clear human rights outcomes as their terms of reference.

7. East Timor

The Human Rights Council wishes to single out the case of East Timor as an example of where human rights education may have a very particular and pressing role to play in nurturing a human rights culture and where Australia has an opportunity to contribute.

East Timor is a new country and its leaders have articulated their case for justice and self-determination in human rights terms. In both the new East Timorese Constitution and in the statements of Government leaders there is commitment to promoting and protecting human rights in the new East Timor.

Yet, East Timor is rebuilding from the devastation of decades of inappropriate and unequal development and the devastation and destruction that accompanied its birth. In all areas from development of the education sector to the justice sector and to all areas of government administration, East Timor is suffering from resource constraints.

Australian community interest in human rights in East Timor predates its recent independence and today Australia is the most significant financial supporter of the new East Timor.

There is an opportunity for Australia to build on the new East Timorese Government's expressed commitment to human rights by explicitly integrating a human rights education component into its support for the education, justice, health and economic and social development sectors. Human rights education courses and materials should for example be part of the curriculum development for teachers and schools.

Recommendation

Human rights education be included in the terms of reference of all Australian organizations and institutions – government and non-government – contracted to provide assistance, support and services to East Timor.