

# Chapter 11:

## International Activities

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While its role and functions, as set out in legislation, are primarily directed towards human rights issues within Australia, the Commission undertakes an international education and training role, with a specific focus on agencies in the Asia-Pacific region.

In 2008-09, as in past years, most of this has taken the form of technical cooperation programs with other countries. These programs, which are based around sharing knowledge and expertise, are generally delivered through the framework of the Australian Government's development cooperation program, administered by AusAID. This international technical cooperation work is externally funded (i.e., it is not funded from the Commission's core budget, which is devoted to fulfilling its domestic mandate).

These programs, along with the Commission's participation in other international fora, such as the Asia-Pacific Forum of National Human Rights Institutions, also provide a valuable way to keep abreast of international developments in human rights and models of best practice for national human rights institutions.

The Commission's international role has evolved from the way that it has pursued its domestic responsibilities. It also reflects the Commission's belief that helping to strengthen human rights protection in individual countries has flow-on benefits for all countries, including Australia. The international work also provides development opportunities to members of the Commission's staff and gives them wider international perspectives which can enhance the Commission's domestic work.

In undertaking international activities, the Commission engages with a variety of institutions and professionals whose work is relevant to the protection and promotion of human rights in their country. These include government agencies and civil society groups, that are involved in the protection and promotion of human rights and interested in how the Australian experience could be relevant to their country. The activities seek to strengthen the capacity of those institutions to protect human rights through the increased 'professionalism' of agencies involved in enforcing or implementing laws and the rule of law.

Many of the Commission's international training activities involve a staged process of implementation, from initial scoping to design, through to full implementation. This reflects the strong emphasis the Commission places on detailed planning to ensure that the Australian input accords with the needs and priorities of overseas partner agencies.

It also reflects the fact that success in this area requires a gradualist approach, with substantive progress often being preceded by a lengthy process of establishing relationships and building confidence in the program. Considerable effort is also made to ensure that partner agencies feel a sense of ownership of their programs, which is essential for success and long-term sustainability.

Most of the international training activities undertaken by the Commission centre on practical issues that affect the lives of individuals, such as domestic violence, police conduct, prison management, investigation techniques and access to legal aid. Notwithstanding this practical focus, efforts are made to ensure that the activities are firmly grounded in the human rights principles set out in international law.

## 11.1 China-Australia Human Rights Technical Cooperation Program

The Commission's most substantial international program involvement is with the China-Australia Human Rights Technical Cooperation Program (HRTC). This program is an integral part of Australia's annual inter-governmental Dialogue on Human Rights with China. The Commission participates in the annual meetings of the dialogue.

The HRTC program encompasses three principal themes:

- protection of the rights of women and children
- protection of ethnic minority rights
- reform of the legal system.

The program aims to provide an important information base of human rights principles, ideas and strategies which can be drawn upon in the development of Chinese policies and practices. The program includes activities conducted in both China and Australia. Each activity in the program is implemented as a cooperative venture between the Commission and particular Chinese organisations.

Some examples of activities implemented in the 2008-09 HRTC Program are given below:

- In July 2008, a delegation from the Ministry of Justice visited South Australia. The focus of their study visit was on the application of restorative justice principles in the dealing with criminal offences.
- In October 2008, a delegation of lawyers from the Beijing Children's Legal Aid and Research Centre visited New South Wales. During their visit, they examined programs and policies for protection of the rights of juveniles in the legal system.
- In November 2008, a consultation was held in China, in cooperation with the Ministry of Public Security. The consultation took place in Beijing, Hubei Province and Guangdong Province. The consultation focused on measures for protection and promotion of the rights of detainees in China's penitentiary detention centres.
- In November 2008, a Model United Nations was held in Xiamen, Fujian Province, in cooperation with the United Nations Association of China. This activity simulated the proceedings of the United Nations Human Rights Council in the debate and adoption of resolutions on selected human rights issues.
- In November 2008, a Human Rights and Anti-Poverty Seminar was held in Zhanggijajie, Hunan Province. The seminar was conducted in cooperation with the State Ethnic Affairs Commission and involved discussion of programs for the alleviation of poverty and disadvantage in minority communities.

- In December 2008, a delegation led by the National Judges' College visited New South Wales and the Australian Capital Territory. The delegation also included several representatives from the Supreme People's Court. The visit provided the delegates with information about legislative and judicial measures in Australia for protection and promotion of the rights of citizens.
- In December 2008, a Privacy Rights and Family Planning Consultation was held in Guizhou and Yunnan Provinces, in cooperation with the National Population and Family Planning Commission. The consultation involved discussion about protection of client privacy rights in family planning and reproductive health services.
- In December 2008, a delegation led by the All China Women's Federation visited New South Wales and Tasmania. The focus of the visit was on development and implementation of legislation to combat domestic violence. In addition to officials from the All China Women's Federation, the delegation included members from a range of other agencies relevant to the legislative process.
- In February 2009, a delegation from the Supreme People's Court visited New South Wales and the Australian Capital Territory. The study visit involved an examination of laws, procedures and practices for promotion of accountability and public confidence in the judicial system.
- In April 2009, a Domestic Violence Workshop was held in Changsha, Hunan Province. The workshop was conducted in cooperation with the All China Women's Federation, but also involved participants from the court system. The main focus of the workshop was on strengthening the role of courts in dealing with domestic violence cases.
- In April 2009, a delegation from the Ministry of Justice visited New South Wales and the Australian Capital Territory. During the visit, the delegation examined initiatives that deal with minor criminal offences, with a particular focus on the use of diversionary programs and non-custodial sentencing options.
- In May 2009, a Children's Rights Workshop was held in Beijing, in cooperation with the Beijing Children's Legal Aid and Research Centre. The workshop was attended by a wide variety of lawyers and other legal professionals and focused mainly on protection of children's rights in the juvenile justice system.
- In May 2009, a Family Planning and Human Rights Workshop was held in Guizhou Province, in cooperation with the National Population and Family Planning Commission. The workshop focused on measures for protection of human rights in the delivery of family planning and reproductive health services.
- In May 2009, two seminars on the Development of Social Organisations were held in Beijing. The seminars, which were conducted in cooperation with the Ministry of Civil Affairs, looked at ways government can support the role of non-government organisations that are working in areas relevant to the protection of human rights.

## 11.2 Vietnam-Australia Human Rights Technical Cooperation Program

The Commission also participates in the Vietnam-Australia Dialogue on International Organisations and Legal Issues including Human Rights.

The Vietnam-Australia HRTC was established as part of the dialogue, and commenced in late 2006. Subject areas addressed by the HRTC Program include access to justice in the courts and other areas of the criminal justice system, human rights training for lawyers, obligations under international human rights treaties, women's rights and gender equality, and methodologies for conducting information, and education programs on legal rights.

Some examples of activities implemented in the 2008-09 HRTC Program are given below:

- In October 2008, in cooperation with the Ministry for Justice a seminar on Dissemination of Legal Information was held:
  - in Sapa, Lao Cai Province, attended by approximately 100 justice officials from Lao Cai and Yen Bai Provinces, responsible for legal dissemination
  - in Quy Nhon, Binh Dinh Province, attended by approximately 100 justice officials responsible for legal dissemination from Binh Dinh and Phu Yen Provinces.
- In November 2008, a delegation from the Supreme People's Court visited New South Wales. The study visit focused on access to justice in the court system, including measures for protection of the rights of parties and witnesses. Particular emphasis was given to support and protection for female victims of crime.
- In November 2009, a Train-the-Trainer Workshop was held in Hanoi, in cooperation with the Vietnam Women's Union. The workshop provided training on women's rights to 40 officials from the Vietnam Women's Union, as well as provincial, district and commune level women's unions.
- In December 2008, a delegation from the Supreme People's Procuracy visited New South Wales. During their visit, they examined measures for protection and promotion of human rights in the criminal justice system.
- In December 2008, in cooperation with the Vietnam Women's Union, a training course on women's legal rights was held:
  - in Namh Dinh Province, attended by 30 staff members from provincial level and district level women's unions in Namh Dinh
  - in Hung Yen Province, attended by 30 staff members from provincial level and district level women's unions in Hung Yen.
- In February 2009, in cooperation with the Vietnam Lawyers' Association, a human rights training course for lawyers was held:
  - in Hanoi, for approximately 50 legal professionals from the northern provinces of Vietnam
  - in Ho Chi Minh City, for approximately 50 legal professionals from the southern provinces of Vietnam
  - in Da Nang, for approximately 50 legal professionals from the central provinces of Vietnam.

- In March 2009, in cooperation with the Supreme People’s Court, a Seminar on Access to Justice, held:
  - in Ho Chi Minh City, explored the application of human rights principles in Vietnam’s judicial processes and was attended by approximately 40 District Court judges and staff from southern provinces,
  - in Hanoi, was similar to the abovementioned seminar in Ho Chi Minh City, but with participants from the northern provinces.
- In March 2009, the Vietnam Women’s Union completed a project involving the establishment of ‘women’s legal clubs’, in six communes in Namh Dinh and Hung Yen provinces. These clubs have the role of disseminating information about women’s rights under international and Vietnamese law, providing legal advice and consultation to women and advocacy for women’s rights in the local community.
- In cooperation with the Ministry of Justice, a Seminar on Dissemination of Legal Information was held:
  - in March 2009, in Dac Lac Province, attended by 108 commune level justice officials from Dac Nong, Binh Phuoc and Dac Lac Provinces
  - in April 2009, in Ca Mau Province, attended by 122 commune level justice officials from Soc Trang, Bac Lieu and Ca Mau Provinces.
- In cooperation with the Vietnam Women’s Union, women’s rights training courses were held:
  - in March and April 2009, in Quang Binh Province, for 70 officials from district and commune level women’s unions in Quang Binh
  - in April 2009, in Bac Ninh Province, for 70 officials from district and commune level women’s unions in Bac Ninh
  - in April 2009, in Vinh Long Province, for 70 officials from district and commune level women’s unions in Vinh Long.
- In April 2009, a Seminar on Human Rights Treaties was held in Da Lat Province, in cooperation with the Ministry of Foreign Affairs. The seminar provided training to approximately 70 district level officials on Vietnam’s obligations under various international human rights treaties.
- In June 2009, a delegation from the Ministry of Justice visited New South Wales and the Australian Capital Territory. The study visit provided the delegates with an introduction to Australian experience in the implementation of programs that educate and inform citizens about the law and human rights.

### 11.3 Laos-Australia Human Rights Dialogue

In April 2009, The Commission participated in the Laos-Australia Human Rights Dialogue meeting, held in Vientiane.

## 11.4 Asia-Pacific Forum of National Human Rights Institutions

The Asia-Pacific Forum of National Human Rights Institutions (APF) was established in 1996. Its secretariat was hosted by the Commission until the APF became a separate and incorporated entity in 2002.

The Australian Government, through the Minister for Foreign Affairs and Trade and AusAID, has provided financial support for the APF since its establishment. The APF also receives contributions from its member institutions and grants from governments, the United Nations, foundations and other non-government organisations.

The APF is the leading regional human rights organisation in the Asia-Pacific. It is a member-based organisation that supports the establishment and strengthening of independent human rights institutions in the region. The APF provides practical support to its members to assist them in their role of promoting, monitoring and protecting human rights. It also provides specialist advice to governments and civil society groups.

The APF currently has seventeen member institutions drawn from all parts of the Asia-Pacific. The Commission is a founding member of the APF and has hosted two of its annual meetings, in 1996 and 2007.

During the reporting period, the Commission served as the APF's Deputy Chair and attended the APF's Thirteenth Annual Meeting in Kuala Lumpur, Malaysia from 28 to 31 July 2008.

The Commission participated in an expert capacity at the Regional Workshop on the Establishment of National Human Rights Mechanisms in the Pacific. The Workshop was held in Mulifanua, Samoa, from 27 to 29 April 2009. This Workshop was organised by the UN Office of the High Commissioner for Human Rights, in partnership with the APF and the Pacific Islands Forum Secretariat.

The Commission also participated in the APF regional workshop on the role of national human rights institutions in promoting and implementing the Yogyakarta Principles. The Yogyakarta Principles set out existing international human rights law that applies to sexual orientation and gender identity. The workshop was hosted by the National Human Rights Commission of Indonesia and held in Yogyakarta, Indonesia from 5 to 7 May 2009.

The Commission continues to strongly support the APF and has a Memorandum of Understanding with its secretariat which provides for accommodation and corporate services support.

## 11.5 International Conferences and Meetings

The Commission participated in the following international conferences and meetings during 2008-09:

- New Zealand Diversity Forum, Auckland, August 2008.
- Australasian Law Reform Agencies Conference, Port Vila, Vanuatu, September 2008.
- Expert Mechanism on the Rights of Indigenous Peoples, Geneva, Switzerland, September – October 2008.
- 9th International Conference of National Human Rights Institutions: National Human Rights Institutions and The Administration Of Justice, Nairobi, Kenya, October 2008.
- 1st Session of the UN Conference of States Parties to the Convention on the Rights of Persons with Disabilities, New York, October - November 2008.
- 8th World Conference of the International Association of Refugee Law Judges, Cape Town, South Africa, January 2009.
- 53rd Session of the UN Commission on the Status of Women, New York, March 2009.
- 22nd Session of The International Coordinating Committee of National Institutions for The Promotion And Protection of Human Rights, Geneva, Switzerland, March 2009.
- UN Durban Review Conference, Geneva, Switzerland, April 2009.
- APF and the Office of the High Commissioner for Human Rights, Regional Workshop on the Establishment of National Human Rights Mechanisms in the Pacific, Samoa, April 2009.
- Pacific Disability Forum, Pacific Regional Disability Conference 2009: Advancing disability concerns in the Pacific region, Vanuatu, April 2009.
- UN Permanent Forum on Indigenous Issues, Eighth Session, New York, May 2009.
- APF Regional Workshop: National Human Rights Institutions and the Yogyakarta Principles, Yogyakarta, Indonesia, May 2009.
- Seminar on Building a Harmonious Community, Department of Foreign Affairs and Trade, Phnom Penh, Cambodia, May 2009.
- Training workshop for Commissioners and staff at the Commission on Human Rights, Philippines, June 2009.