

**Centre for Human Rights Education
Newsletter No. 8, April 2005**

www.chre.curtin.edu.au

The Centre for Human Rights Education:

- is committed to the achievement, protection and promotion of human rights
- is committed to multi-disciplinary understandings of human rights
- is committed to dialogue across communities, cultures, nations and religions about human rights
- engages in teaching, research, consultancy and community education to realise these commitments.

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Welcome to our first newsletter for 2005. It's a bit later than we had hoped, but as the Centre becomes more established, and more known, our work load increases steadily, and time has got away from us.

In this newsletter we include two longer pieces, one by Fiona McGaughey about her visit to Geneva and one by Jim Ife on his two visits to East Timor. So you can look forward to some more substantive content – though we have tried to keep it more like a newsletter than a journal.

1. Staffing



This year we are delighted to have Kerry Rotumah with us full-time, in a newly upgraded position of Project Coordinator. Kerry will still look after all the administrative requirements of the Centre, but she will also be involved in developing and managing the Centre's various projects.

Most of our readers will have got to know Kerry, either in person or by email, and we are sure that you will all be delighted that her role at the centre has increased.

Kerry is also responsible for the Centre's web site, which has grown substantially. Please visit it, and Kerry welcomes any suggestions you may have as to how we can make it even better. www.chre.curtin.edu.au

2. Students

We have welcomed a new group of students into our Masters program, and once again they reflect a variety of disciplinary backgrounds and human rights experience. We now have 23 students enrolled in the various units of the Masters courses. Our classes continue to be interactive, stimulating, and challenging – both for the staff and the students.

3. National Events

a. Invitations



Jim Ife has been invited to attend a Fulbright Symposium in Melbourne on Human Rights and Peace Education, in June. This invitation-only event brings together scholars from Australia and the United States to consider the issues in the field in a small, intensive environment.

Jim has also been invited to deliver the inaugural Alice Tay Memorial Lecture in Parliament House, Canberra, on 25 May. This is a significant public event, honouring one of Australia's leading human rights advocates. The lecture is jointly sponsored by the Human Rights & Equal Opportunities Commission and the Freilich Foundation.

b. Transcend Peace University



Once again staff from the Centre are offering a unit through Transcend Peace University, an on-line institution established by Johan Galtung, our visiting fellow in 2004. Transcend Peace University allows students from many parts of the world to take units in subjects related to peace and peace-building. We are offering a unit *Human Rights and Development*, which this time is being taught jointly by Jim Ife and Sonia Tascon (one of our Adjunct staff).

c. Fiona McGaughey's Report from Geneva

i. Lucy's Introduction

Students are required to complete a project during their final semester of the Masters course. This may be primarily theoretical or practical. Fiona McGaughey worked closely with Anna Copeland (an Adjunct staff member teaching Human Rights Institutions and Instruments, as well as a Lecturer in Law at Murdoch University and a practising lawyer at SCALES Community Legal Service) and Annie Pettit from the Public Interest Advocacy Centre in Sydney to use the project requirement to coordinate over 30 NGOs around Australia in the preparation of a report for the UN Committee for the Elimination of Racial Discrimination.

ii. Fiona's Overview



As part of the Research Project for my Masters degree in Human Rights Practice, I helped a coalition of NGOs prepare an alternative report to the Committee on the Elimination of Racial Discrimination (CERD). I was initially a little reluctant as racial discrimination is not something I have suffered; but being a Catholic from Northern Ireland, I understand discrimination. Also, through the Masters course, I became familiar with issues of racial discrimination in Australia, and learnt a lot from my fellow students including a number of Indigenous students in the course. Also being involved with an NGO working with refugees on Temporary Protection Visas, I saw how discriminatory policies affect people on a day to day basis.

As a signatory to the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), Australia must produce periodic reports on the compliance of domestic standards and practices with ICERD. NGOs can also submit reports to provide an alternative perspective. The report I helped prepare incorporated the concerns of a network of more than 30 Australian NGOs working with many different communities and groups. This network was established by the National Association of Community Legal Centres. There were also several local NGOs involved. I coordinated this process and edited the report. The catalogue of current racial discrimination issues in Australia that emerged was incredible, particularly the status of Indigenous peoples and asylum seekers and refugees. The deterioration that had taken place since the previous review in 2000 was also of real concern.

Having submitted the report to the Secretariat at the UN, several NGOs and Departments at Curtin contributed towards the cost of sending me to Geneva to present the report and to lobby the Committee members. Whilst I was really glad to have the opportunity to go, it was daunting! I felt I had a huge responsibility to represent the concerns of all those NGOs effectively and to do something to improve life for those who experience direct and indirect racial discrimination every day.

As the other students in last year's *Human Rights Instruments and Institutions* unit will recall, we did a role-play each week on presenting to a UN Committee. These role-plays were a useful learning exercise but were also good fun. Being there in reality was quite similar, if a little less amusing (except when the government reported on how well they are doing and I had to remind myself that this was for real!).

Four of us as representatives of Australian NGOs made a one-hour presentation to the Committee and answered questions. We also met informally with Committee members when possible, and generally they were approachable and familiar with the salient issues. As the NGO representatives were from a range of backgrounds, we worked well as a team and used networks at home to get further information when required.

Sitting in on the government's review was fascinating. It was like a movie – lots of fiction, drama, tension, but with no love interest whatsoever! It was extremely rewarding to hear Committee members quoting from our report and asking tough questions. Indigenous and immigration issues came under particular scrutiny.

About a week after the Australian review, the Committee drew up Concluding Observations and it was fantastic to read that they had picked up on so many issues – much more than in the previous review five years ago. The Committee raised concerns on matters such as the proposed reform of HREOC and the abolition of ATSIC; the increase in prejudice against Arabs and Muslims and the indirect discriminatory effect of counter-terrorist laws; the winding back of Native Title since the 1998 amendments; the wide gap between the Indigenous and non-Indigenous population in regard to economic, social and cultural rights; and the mandatory detention of asylum seekers and the reduced rights of refugees on Temporary Protection Visas. Hopefully at a national level we can take this criticism from the CERD Committee and use it to keep pressure on the government to change. In fact this is exactly what the Committee's Special Rapporteur for Australia this time advised us to do, pointing out that the CERD Committee themselves have limited power to actually effect change.

Being at the UN was a little like being in a class on the Masters course – people from different countries coming together for dialogue, with a shared belief in the importance of human dignity. We're not the only ones who think that the situation of human rights in Australia is unacceptable.

The report is available from the CHRE web site on the Papers page (sub link - Policy Submissions/Reports). For those who do not have access to the Internet, please contact Kerry for a hardcopy on 08 9266 3484.

d. Timor Leste (East Timor)



Jim Ife was invited to speak at two major conferences in Timor Leste, in February and March. The following are his impressions:

I was fortunate to be invited to visit Timor Leste (East Timor) on two separate occasions earlier in the year. The first was as a keynote speaker at a major conference on Civil and Political Rights in Timor Leste, and the second was to contribute to another major conference, this time on Integrity in Government. Unfortunately because of time constraints I was not able to visit anywhere other than Dili.

My previous visits to Timor Leste had been in 1999, at the time of the independence ballot and again in the period immediately after the violence. My memories of burned buildings, devastated people and a land in ruins are still strong, and it was good to see the streets of Dili with many buildings rebuilt, active street markets, and life apparently returning to "normal". The impression of pervasive poverty, however, is still strong. The spirit and tenacity of the Timorese people is as powerful as ever, but the scale of the problems facing this struggling new nation is immense.

There is a serious problem of the development of appropriate infrastructure. For 24 years the education system, the police, the judiciary, and the entire civil service was run by the Indonesians, and now the East Timorese are having to fill a gap in expertise. How, for example, does one suddenly "create" an effective, efficient and appropriately skilled judiciary when there are no experienced judges? How does one recruit, train and administer an effective police service? How can a whole new civil service be expected to understand what being a public servant really means in practice, and to understand what apparently

harmless acts might constitute corruption or undue influence of a public official. These are familiar problems for all newly independent nations emerging from colonial rule, and we know from the experience of the post-colonial era how difficult it is for such nations to deal with them effectively. In Timor Leste there is a large group of “experts” from all over the world who are genuinely trying to help, through the work of various UN agencies, government aid agencies (such as AusAid), and NGOs. But the danger is that this will perpetuate the very colonialism that the people are trying to replace, and that the agenda will be that of the aid agency rather than the Timorese people. Such international aid has to be delivered with extreme sensitivity and always remembering that it is not the agenda of the aid agency but rather the wishes of the people that should have priority. Back in November 1999 I wrote about my alarm at the colonialism of much of the “help” that was being delivered at that time, and it is sad, though not really surprising, to observe that this is still a problem. The East Timorese, however, seem to be less tolerant of inappropriate aid or advice, and it was heartening at the two conferences to hear strong voices questioning the “conventional wisdom” of the “experts” and wishing to exert East Timorese control over development processes, while at the same time listening to, and learning from, the wisdom of others.

The conference on civil and political rights was called in part because since 1999 the emphasis has largely been on economic social and cultural rights, for understandable reasons. The feeling was that there had been a great victory for civil and political rights in 1999, and that now it was the human rights issues of education, health, housing, and, most of all, poverty, that demanded urgent attention. This temporary devaluing of civil and political rights is beginning to be felt, however, especially among those who oppose government policy and who feel they are unable to criticise as they would like (especially significant and controversial was proposed legislation limiting demonstrations). As we discussed these issues, however, it was heartening to see the level of debate, and people’s readiness to raise sensitive and controversial issues – certainly those at the conference seemed to feel no impediment to their right of freedom of expression, even in the presence of some of the most powerful people in the Timor Leste Government.

As well as debate about legislation, there was also concern about what might be called human rights infrastructure: effective and incorrupt policing, adequate court systems and legal representation, transparency, and so on. This relates directly to my comments above regarding Timor Leste’s problems with government infrastructure more generally. It also led to my invitation to participate in the subsequent conference on transparency in government, specifically around the human rights implications. The view was strongly expressed that if civil and political rights (and indeed human rights more generally) are to be adequately protected and realised in Timor Leste, it is not realistic to expect government structures to accept all the responsibility, and it will require action by other members and institutions in society, including individuals, families, local administrators, civil society, religious leaders, teachers, and the business community. We had extensive discussions about how people might go about working towards a “culture of human rights” and what that might mean in the Timor Leste context.

Currently the main responsibility for human rights is carried by the Prime Minister’s Advisor on Human Rights, Ms Isabel Ferreira. Her office is active in promoting human rights, but is suffering from a lack of resources in order to do its work effectively. The Government will shortly announce the appointment of the new position of “Provedor”, who will be a key person in the development of human rights. That role might best be described

as a combination of Ombudsman and Head of a Human Rights Commission, and the Provedor's office will play a major role in human rights in Timor Leste.

There is a strong possibility for the on-going involvement of our Centre in human rights education in Timor Leste. We are hoping that the contacts developed during my two brief trips to Dili will result in collaborations which will significantly enrich the work of the Centre in Australia, as well as assist in the on-going developments in Timor Leste.

For me, Timor Leste remains a special place, with special people and special qualities. There was one jarring note to my visits, however. On the streets of Dili I observed uniformed groups of young people, marching aggressively, fists clenched, and chanting in a militaristic way. I was told these were the "Karate Clubs", but apparently without the constraints and discipline with which Karate is normally associated. I was told that to come across such groups at night was very dangerous, and that there had been a number of serious incidents involving these groups of angry young people. I saw in their eyes, and in their attitude and their behaviour, much that was reminiscent of the militia groups I had encountered in 1999. Large numbers of unemployed and marginalised young people do not bode well for any society. Such groups had been ready recruiting grounds for the militia in 1999, and it remains to be seen what role they will play in Timor Leste's future. It is but one of many critical problems this new nation is facing.

As closing comment, it is salutary to note that as an Australian I was vigorously quizzed at the human rights conference about the Australian Government's approach to the Timor Gap Oil negotiations, and also about its policies towards Indigenous Australians. It was only after I had made my own position on both issues very clear, and specifically distanced myself from the views of the Australian Government, that I felt I had any credibility to engage in a discussion about human rights. Let no-one pretend that the policies of our Government on such matters are not well understood and closely scrutinised by those living in other countries in the region – and this scrutiny is not confined to diplomats, politicians and civil servants but is reflected in the views of the general population. I recalled with shame a recent editorial in *The Australian* which had blithely asserted, apparently on the basis of no evidence, that "East Timor has no better friend than Australia". Such blindness to the reality of what people in our region actually think, and the image of Australia that is held by our closest neighbours, will not serve Australia's interests in the future.

4. Future event – Mabo Day 3rd June 2005



The Torres Strait Islander Community in conjunction with Curtin's Office of Ethics Equity and Social Justice, Corporate Communications, and the Centre for Human Rights Education are currently organising an event to celebrate Eddie Mabo's landmark victory. It is proposed that this event will occur on 3rd June 2005. I will post more details as the information comes to me. Keep an eye out for updates on the Events page on our web site or contact Kerry on 08 - 9266 3484 or via e-mail k.rotumah@curtin.edu.au.

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Division of Humanities

