

Castan Centre for Human Rights Law: A Decade of Human Rights Training in Australia and Asia

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THE CASTAN CENTRE FOR HUMAN RIGHTS LAW seeks to promote and protect human rights through the generation and dissemination of public scholarship in international and domestic human rights law.

In pursuit of this mission, the Centre brings the work of human rights scholars, practitioners and advocates from a wide range of disciplines together in the Centre's key activities of research, teaching, public education (lectures, seminars, conferences, speeches, media presentations, etc.), applied research, advice work and consultancies.

The Castan Centre is named after Ron Castan AM QC (1939-1999), who was a passionate advocate for the recognition and protection of human rights and a distinguished member of the Victorian Bar.

Since being established in 2000, the Castan Centre has provided extensive human rights training for Australian government departments and overseas public officials. The Centre has also run courses for officers in the Australian Department of Foreign Affairs and Trade, as well as Australian Agency for International Development (AUSAID) courses for government and civil society participants from Indonesia, Iraq, Vietnam and Burma/Myanmar. Involvement in these courses reflects the Centre's commitment to helping improve human rights in our region.

State Level Training – The Victorian Charter

The Victorian Charter of Human Rights and Responsibilities came into full effect on 1 January 2008. The Charter is a Victorian law which sets out the basic rights, freedoms and responsibilities of all people in Victoria. It was the second piece of state or territory wide human rights legislation to be passed, after the *Human Rights Act* was introduced in the Australian Capital Territory in 2004. The introduction of the Victorian legislation generated a

high degree of demand from professional bodies for training on the Charter's meaning and likely effects, as well as government departments and statutory bodies who sought to better understand their new responsibilities.

In the lead-up to the implementation of the Charter, the Castan Centre conducted training for the Judicial College of Victoria, the Victorian Department of Justice and the Victorian Equal Opportunity and Human Rights Commission.

In 2007 the Castan Centre conducted human rights training courses for the Judicial College of Victoria, which is responsible for the continuing education of all of Victoria's judges and judicial officers. The Castan Centre provided training focusing on those parts of the Charter most relevant to judges, in particular those sections giving judges the power to declare law incompatible with the Charter or to interpret laws in such a way as to make them compatible. The presentations introduced personnel to the Charter and included discussions of sections on interpretation of statutory provisions and declarations of incompatibility. These courses highlighted some general characteristics of human rights, as well as human rights law sources which underpin the Charter. They also focused on the historical background to the Charter, as well as the Victorian Government's "whole of government" approach. In the same year, the Castan Centre conducted a training course entitled "The Charter and Rights to Criminal Justice: Training for Prosecutors" on behalf of the Victorian Department of Justice.

As part of a human rights training program the Castan Centre undertook three projects for the Victorian Equal Opportunity and Human Rights Commission (VEORHC) in 2006-2007, with the emphasis on challenges likely to be faced by the Commission with the implementation of the new Charter. VEORHC has a unique mandate to educate the community about human rights, so training focused partly on creating a group of people capable of delivering training to community groups. To complement this effort, the Castan Centre also developed appropriate materials and case studies for non-legally trained people, much of which is now freely available on the VEORHC website. The three projects covered with VEORHC were i) Applied Human Rights Training to help Commission staff to identify issues regarding Charter rights; ii) Development of Human Rights Training Resources; and iii) Legal Training to Commission personnel.

After the Charter came into effect, the Castan Centre ran further training for legal professionals: “Charter Workshop – Theory and Practice, Practical Training for Victorian Barristers on the Victorian Charter”.

National Level Training

AusAID and DFAT

The Castan Centre has had over a decade of experience providing human rights training to government officials at a national level. Beginning in 2002, the Centre developed and delivered many human rights training workshops over nine years to officers in the Australian Department of Foreign Affairs & Trade (DFAT) in Canberra. In later years, the Castan Centre course was integrated into DFAT’s graduate traineeship program.

The Castan Centre also conducted training in Human Rights, Governance and Law Reform for AusAID officials during some of this period.

These courses for government bureaucrats focused in detail on legal content, but also had a practical emphasis for the staff in their daily work. They included in-depth discussions about how the different human rights principles might come into conflict in a practical context, and consideration of the various competing pressures in international diplomacy. To that end, Castan Centre trainers worked closely with DFAT staff to design a program that was meaningful to their work.

The courses have been well received by the participants, who have relished the chance to flesh out their daily duties from a human rights point of view.

The Aurora Project

Between 2006 and 2012 the Castan Centre has participated in The Aurora Project, a program aimed at assisting Indigenous communities dealing with native title issues. In 2006, the Castan Centre successfully tendered to conduct a capacity-building professional development program for the staff of Native Title Representative Bodies (NTRBs). NTRBs perform the crucial task of assisting native title claimants and holders to navigate the legal processes and procedures involved with making applications under the Native Title Act, as well as assisting with negotiations related to Indigenous Land Use Agreements.

The project was commissioned by the Australian Federal Government, and was supported by the University of New South Wales, as well as the law faculty at Monash University. The Federal Government was following up on a report issued by a parliamentary committee on Native Title. The Committee's report stated that there was a need to "increase the stock of knowledge" of NTRBs, and especially for the professional staff working at the representative bodies. The Parliamentary report also generated significant public discussion and attracted widespread interest among many different groups including the media, politicians, academics, bureaucratic/departmental personnel, the judiciary, commercial law firms and naturally the NTRBs themselves.

One of the initiatives put in place by the project is a student placement program for NTRBs, which gave students the opportunity to gain valuable first-hand experience of the field, while also assisting the NTRBs in their daily operation. The program oversaw the creation of an induction manual to provide new staff with an understanding of both the context in which they are working and the key legal and native title concepts, issues and processes. Training, development and support needs of current NTRB staff were also addressed. In a wider context, the importance of familiarizing the legal community with the work and career opportunities within the NTRBs was also recognized and the program aimed to foster the creation of a network of people working within and connected to the work of the NTRBs to provide support, and training. At the time of the successful tender, Centre Deputy Director Melissa Castan said "this is a great opportunity for the Commonwealth, the NTRBs and academic specialists to work together on improving professional development in this field".

International Level Training

The bulk of the Castan Centre's human rights training experience has been in the international sphere, with a particular focus on the Southeast Asian subregion.

Burma

The Castan Centre delivered a series of Human Rights and Responsibilities workshops for mid-level civil servants in Rangoon from 2002 under the auspices of AusAID. The series included workshops on

the Convention on the Rights of the Child and on the Convention on the Elimination of All Forms of Discrimination against Women.

The experience of delivering human rights training to bureaucrats in a regime that was clearly among the worst human rights abusers of the time brought a great deal of controversy and debate. The considered view of the Castan Centre members involved with this course was that it was important to engage with the regime and expose them to the concepts of international human rights law, however the very real risk that the participation in such a course could be used as a fig leaf of respectability for a regime that had no intention of genuine reform was very much acknowledged and in the thoughts of the trainers. Ultimately this program was discontinued after the Australian government's change of policy regarding engagement with the Burmese regime following the re-arrest of Aung San Suu Kyi in 2003.

Indonesia

Since 2001 the Castan Centre has developed a strong record of delivering human rights training for Indonesian officials through the Indonesia-Australia Specialized Training Project. The project is an AUSAID program funded by the Australian and Indonesian governments. The Castan Centre's involvement in this program reflects its mandate, to promote and protect human rights not only in Australia but also across the world. Ms. Julie Debeljak, PhD, the team leader of the program, explains further, "The Centre views this program, and other such programs, as an opportunity to engage with governments about human rights. Given that States are the primary obligation holders under international human rights law, what better way to influence the behaviours of governments than through education and dialogue?"

Four separate programs were delivered under this project between 2001 and 2006. In each course, between sixteen and twenty Indonesian participants took part, drawn from government ministries and agencies – particularly the Ministry of Justice and Human Rights, as well as the Ministry of Foreign Affairs and the Attorney General's Department, and regional government offices including Aceh and Papua – as well as academic institutions and non-governmental organizations. Judges, police officers and journalists have also been among the programs' participants. Each program ran for three months and comprised of lectures and seminars on the general theme

of the nature, form and protection of human rights, as well as on-site agency visits.

Each of the four courses included a program of lectures and seminars on the general theme of the nature, form and protection of human rights at international, regional and domestic levels. Topical issues at the time of each course were also considered in depth, including: the rights of women and children; terrorism; the right to health; conflict resolution and post-conflict reconstruction; the rights of internally displaced peoples; corporations and human rights; and the myriad of human rights issues flowing from border control. Transparency, accountability and anti-corruption in government were also key themes in the training.

A wide range of Monash University lecturers and expert guest speakers were engaged and a large number of federal and state agencies hosted visits from the delegation.

On-site agency visits were an integral part of the course, providing participants a greater understanding and experience of the workings of Australian institutions dealing with human rights. These included visits in Melbourne, where the Castan Centre is based, as well as Canberra, the national capital, and Sydney. The precise itinerary varied from one course to another, but included the following at various times.

The Melbourne program of on-site visits included among others the Victorian Parliament, the Federal Court, Equal Opportunity and Human Rights Commission, Amnesty International, Victorian Aboriginal Legal Service, the Victorian Foundation for the Victims of Torture, the Disability Employment Advocacy Centre and two prisons (one run by the government and one privately run).

In Canberra their visits included the Attorney General's Department, Department of Foreign Affairs and Trade, Australian Institute of Aboriginal and Torres Strait Islanders, Australian Federal Police, Commonwealth Director of Public Prosecutions and the Australian Council for Overseas Aid.

Sydney on-site visits included the Australian Law Reform Commission, Human Rights and Equal Opportunity Commission, Independent Commission Against Corruption, Police Integrity Commission and Legal Aid Commission.

Ani Purwanti Ani, a lecturer in the Faculty of Law at Diponegoro University in Central Java, was one of the training participants on the 2004

course. She said that she wanted to participate in the program “to develop my knowledge about Human Rights, especially women in the law and to understand the implementation of Human Rights in Australia.” She said that the most useful part of the training was learning about “charters and treaties such as the Convention Against Torture, Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women.”

Another training participant, Muhammad Iqbal Muhammad, was Chief Information Officer of Human Rights Information Systems in the Ministry of Law and Human Rights. He said that he wanted to take part in the program because his “work involves socialization and dissemination of human rights information and I really need to improve and increase my knowledge of human rights. The other important things are experiences of other countries, about how they solve human rights issues”. He said that he hoped to learn “new perspectives and experiences in the human rights field, both theoretical and practical”, and that the most interesting part of the course were the “discussions, debates, and the sharing of ideas” made possible by the lessons in the classroom. He also said that the “instructors use appropriate teaching methods and play an important role, although the material/subjects are difficult”.

Their participation in the program reflects a strong individual commitment to human rights and to implementing change, as they leave their families and homes to immerse themselves in another country for three months of intensive study, discussion and debate.

The content and format of the program were varied, resulting in a lively, thought provoking and challenging three months of seminars and on-site visits to institutions that deal with human rights issues. According to Ms. Debeljak, the structure of the program was carefully balanced to give participants a solid foundation in human rights theory and concepts, while also ensuring that they “are equipped to translate the knowledge gained during the Australian training program to their workplaces and Indonesian society more generally upon their return home.” The various site visits in Melbourne, Sydney and Canberra aimed to provide “practical, workplace related training” and were combined with a strong emphasis on case studies and group exercises. This approach recognized the importance of participants gaining “practical skills to develop effective strategies for the better protection and promotion of human rights in Indonesia.”

This focus on practicality, and returning to Indonesia with a solid plan of how to implement what they have learned and absorbed over their months in Australia was reflected in one of the major outcomes of the program, the design and implementation of individual Action Plans. The Action Plans are intended to translate the knowledge acquired during the course into practical outcomes for the participants in their workplace or in Indonesian society generally, and thereby further the implementation of the promotion and protection of human rights within Indonesia. "Change, however small or large, will be effected through the implementation of the Action Plans", said Ms. Debeljak. "Each participant will leave Australia with at least one strategy to pursue to improve human rights in Indonesia upon their return."

The program also provides the opportunity for a constant exchange of ideas and perspectives between the participants and the presenters themselves. As reflected upon by Ms. Debeljak, "there are many wonderful moments when a participant asks a question or offers a comment that demonstrates a nuanced understanding of a human rights issue. Indeed, some of their observations make me revise my own long-held opinions about certain issues." The program provided a reminder of the value of discussion and debate, and of the value that different perspectives and experiences can offer: "Training programs are always a two-way street. There is always an exchange of ideas, information and knowledge throughout these programs. The greatest insight I have gained is with respect to Indonesian culture. This helps me situate debates about the universality of human rights, pluralism and cultural relativism in a way that no amount of reading could ever do."

Iraq

Looking beyond East Asia, the Castan Centre has also run human rights courses for Iraqi officials.

The Castan Centre, in partnership with Monash International, has run human rights courses as part of the Rehabilitation Assistance Facility: Iraq (RAFI), which is an AusAID funded program managed by SAGRIC International. The Castan Centre, in partnership with Monash International, ran human rights courses as part of RAFI.

The first course in 2004 was a fourteen-day human rights course for five members of the Iraqi Ministry for Human Rights. The training entailed sessions on introductory human rights concepts, international human rights law, as well as human rights issues and case studies in Iraq and Australia.

As part of the program, the trainees travelled to Sydney where the Human Rights and Equal Opportunity Commission and the Asia-Pacific Forum for Human Rights Institutions hosted them. The trainees also travelled to Canberra, where they received information on the Australian electoral process, and were hosted by the Australian Electoral Commission in the National Tally Room on election night, 9 October 2004.

The Castan Centre's engagement with Iraqi officials has continued in the years that followed. In October 2007 Castan Centre Deputy Director Adam McBeth provided training for officers of the Iraqi Ministry of Human Rights on "Corporations, international trade and human rights". Further training has been provided on a broad range of human rights topics as part of the Rehabilitation Assistance Facility: Iraq project several times since then, and this program remains an ongoing commitment of the Castan Centre. Most recently, the Castan Centre delivered a training course for delegates from the Iraqi Ministry of Human Rights in Transitional Justice in May 2012, with another program of training for Iraqi delegates scheduled for December 2012.

Conclusion

With over a decade of human rights training experience, the Castan Centre has seen a growing interest in learning about human rights both in Australia and across the Southeast Asia subregion. At each level, state, national or international, the Centre's training programs are tailored to suit the participants and the subject matter. This flexibility has allowed the Castan Centre keep its courses relevant and useful for the participants in their everyday work. The Castan Centre sees its training activities as a central component of its mission to protect and promote human rights, and looks forward to expanding its training programs to include participants from the corporate sector in the future.