

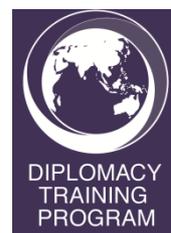


## **Program Report**

**Alice Springs**

**July 15-19, 2013**

**Indigenous Peoples,  
Human Rights and Advocacy  
Training Program**



## Executive Summary

The 2013 Program *'Indigenous Peoples, Human Rights and Advocacy Training'*, held in Alice Springs July 15-19 2013, was developed in partnership with The Fred Hollows Foundation. This was the fifth DTP/Hollows training program to be delivered in Alice Springs. Both organisations would like to express their gratitude to Aunty Elaine Peckham for her advice and support with all aspects of program development and delivery and to Harold Furber for facilitating our presence at the Desert Knowledge Centre.

A Welcome to Country was provided by Aunty Elaine Peckham, a Central Arrente Mbantua woman and founder of the Central Australian Aboriginal Strong Women's Alliance and Harold Furber, co-chair of the Desert Knowledge Centre welcomed the group to the DKC.

This program brought together a diverse group of participants. There was strong interest nationally in this program and so while priority was given to applicants from Alice Springs and surrounding communities there was also representation from the Top End, from Tennant Creek and from New South Wales. The participants were mainly involved in health and service delivery in their communities and organisations. All participants were engaged with and committed to seeking ways to improve the well-being of the local communities from which they came. It was regrettable but the applicants from Queensland and Western Australia could not be included in this program.

Tammy Solonec, a Nyikina woman from Derby (Western Australia) and currently a Director of the National Congress of Australia's First Peoples and a lawyer by trade, and Seranie Gamble, a lawyer with a Masters in international law and human rights law from Oxford University delivered the training on human rights, the United Nations and international law and the United Nations Declaration of the Rights of Indigenous Peoples. Tammy and Seranie brought to the program extensive human rights and legal expertise and experience in advocating for Aboriginal and Torres Strait Islander peoples locally, nationally and internationally. Bill Barker, a former Australia diplomat specialising in human rights and Indigenous affairs shared his knowledge and experience of lobbying and advocacy. Andy Nilsen, Manager of International Communications with The Fred Hollows Foundation Public Relations and Communications Unit trained participants on how to access the media and gain more control over the presentation of Aboriginal and Torres Strait Islander peoples and issues that go out to the wider audience. Craig Quartermaine from NITV was also a guest presenter in the media segment of the program.

Rosalie Kunoth-Monks spoke to the participants about her experiences and reflections on the impact of colonisation on Aboriginal and Torres Strait Islander peoples and the continuing *de facto* status of Aboriginal people as third-class citizens on their lands. Mrs Kunoth Monks also spoke about her pride in the 40,000 year-old rituals that kept the Aboriginal people together in harmony.

*We've got to take that pride in the essence of a black people back, in the culture and family history. This soul and these laws live on in the next generations. We are the noble people of this country... without us, Australia will not have culture.*

In the course of the training, the participants engaged in discussions about their issues of concern and worked with these topics in a number of practical advocacy and campaigning exercises. In this way the training afforded the group an opportunity to raise their concerns, to identify the possibilities of utilising human rights standards and mechanisms to seek just outcomes and to develop action plans for concerted lobbying and campaigning on their concerns.

The Diplomacy Training Program wishes the participants well in their advocacy and has committed to support them in accessing tools and information for effective advocacy of their rights.

## Program Schedule

### DAY I

#### 1. Welcome and Introduction

The training program was opened with a Welcome to the Desert Knowledge Centre given by Harold Furber, the Co-Chair of the Desert Knowledge Centre and a Diplomacy Training Program alumnus (1990). Harold gave a brief overview of the Desert Knowledge Centre and its background and significance in relation to native title and the difficulties people face in the Northern Territory (NT).

Following the introduction to the Diplomacy Training Program (DTP) and The Fred Hollows Foundation, participants and trainers introduced themselves, their backgrounds and expectations for the program.

#### 2. Practical Exercise: Key Concerns and Rights Issues in Communities

Tammy Solonec, a Nyikina woman from Derby (Western Australia) and lawyer from the Aboriginal Legal Service in Perth and currently a Director of the National Congress of Australia's First Peoples, and Seranie Gamble, an international law and human rights expert from Legal Aid in Darwin, were the trainers for the first two days.

The first session aimed at highlighting the major concerns in Aboriginal communities. The participants were divided into three groups to list the key issues in their communities, and relevant rights affected.

#### 3. What are Human Rights?

Seranie Gamble opened this session with the video clip "Human Rights Story" (The Story of Human Rights - [www.youtube.com/watch?v=oh3BbLk5UIQ](http://www.youtube.com/watch?v=oh3BbLk5UIQ)) which explores the evolution of human rights and the history of the United Nations (UN) system. With the end of the Second World War, the United Nations Organisation was founded in 1945 with 54 member countries (today there are 193). The UN was built upon the recognition of *all* human rights for *all* people, enshrined in the UN Charter of 1945 and the Universal Declaration of Human Rights (UDHR – copy in Manual). The UN machinery was set up in order to prevent the atrocities in the world wars from happening again. Although the fundamental human rights are written into law throughout the world, violations of human rights continue to occur throughout the world.

Seranie emphasised that human rights are rooted in humanity as such, rather than merely in laws. Human rights are defined as laws, the basic foundations of humanity, the recognition and respect of people's dignity, a set of moral and legal guidelines that promote and protect the recognition of our values, our identity and ability to ensure an adequate standard of living, basic standards by which we can identify and measure inequality and fairness. Human Rights are universal, interdependent and interrelated.

The second part of this session shed light on the international human rights framework including the nine core human rights treaties.

A **'treaty'** ('treaty' can be interchangeably used with 'covenant' or 'convention') is a legally binding agreement between governments that consent to be bound by it.

A **'declaration'** states rights; countries can sign up in order to express their support for it. A declaration is mainly aspirational, without holding state obligations. The International Bill of Rights is comprised of the following international treaties:

- a) **Universal Declaration for Human Rights (UDHR):** adopted in 1948 by the UN General Assembly; founding document of international human rights law; lists 30 fundamental human rights including the right to life, liberty and security of person, freedom from arbitrary detention, freedom of expression, freedom of religion, etc.
- b) **International Covenant on Economic, Social and Cultural Rights (ICESCR):** adopted by the General Assembly in 1966; entry into force in 1976; rights include the right to family life, to fair treatment at work, to join and form trade unions, to an adequate standard of living, to health, to education, to maintain your language and culture, etc.
- c) **International Covenant on Civil and Political Rights (ICCPR):** adopted by the General Assembly in 1966; entry into force in 1976; comprises the right to life, the prohibition of torture and ill-treatment, freedom of expression, the presumption of innocence in the justice system, equality before the law, the right to vote, equality, etc.

These rights are not translated into domestic legislation in all countries. In Australia, for example, the human right to health is yet to be written into law.

The **UN human rights treaty bodies** ('Committees'; see chart in manuals) composed of independent experts, exist for every core human rights treaty, and have three major functions:

- a) To hear Individual Complaints: Under some treaties that Australia has ratified complaints can be made by individuals to the committees, but only once all domestic remedies have been exhausted.
- b) The Monitoring of the implementation of the treaty through recommendations as part of the reporting procedure: Australia is obliged to submit national reports on its implementation record under the treaties it has ratified every 4-5 years. NGOs can submit so called parallel or 'shadow reports' to highlight major protection/implementation gaps. The Committees then make recommendations to the government
- c) The adoption of General Comments: These General Comments provide greater detail on the substantive content of specific rights, such as the Right to Non-Discrimination and Right to Health, including minimum core obligations of governments and specify steps that need to be taken by governments; can provide valuable information. Increasingly

these General Comments have made specific reference to the Rights of Indigenous peoples.

- d) Some Treaty Bodies, notably CERD, have an early warning/preventative mechanism allowing them to communicate concerns quickly and directly to government

### Practical Exercise: Key Concerns in the Communities and International Human Rights

**Treaties.** In the second practical exercise of the first day, participants identified the rights applicable to the specific concerns listed earlier that day:

	Human Rights Instrument	Applicable Articles	
<b>Group 1 - Education</b>	UDHR	Art. 26	26(1): Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
	ICESCR	Art. 13	13(1): The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the UN for the maintenance of peace.
	Convention on the Rights of the Child (CRC)	Art.s 2, 9, 19, 23, Arts. 28, 29	28(1): States Parties recognize the right of the child to education
<b>Group 2 - Employment</b>	UDHR	Art.s 3, 18, 23, 24, 25,27	23(1): Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
		Art. 24	Right to rest and leisure time -> fair conditions at work
	ICESCR	Art.s 1, 6,7,13	6(1): The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
		Art. 15 Art. 18	(cultural aspects to be taken into consideration by employers)
	CRC	Art.s	

		2,4,6,7,8,13	
		Art. 32	32(1): States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
		Art. 36 Art. 37	States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.
<b>Group 3 - Housing</b>	UDHR	Art.s 3, 17	
		Art. 25	25(1): Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
	ICESCR	Art. 11	11(1): The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
	CRC	Art. 27	27(1): States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

## DAY 2

### 1. Welcome to Country



Auntie Elaine Peckham, a Central Arrente Mbantua woman and long-standing friend of DTP, welcomed the participants to Arrente land and gave an encouraging and inspiring overview of her engagements and experiences, especially regarding the struggle for land and cultural responsibilities. Auntie Elaine founded the Central Australian Aboriginal Strong Women's Alliance (CAASWA). She said the Intervention took away many rights and people's

voices. Her mission is to give people a voice, empower them through education and encouragement. "If we don't speak up and come together as one, we are nothing."

### 2. Treaty Body Reporting Mechanisms

The reporting procedure under the UN human rights treaties was designed to monitor the implementation of the treaty provisions by the countries that ratified the treaty. The reporting procedure comprises the following steps:

- Countries submit a national report on their implementation record in relation to the treaty provisions
- Civil society can submit a parallel report' to shed light on issues that were not raised/admitted by the Government (For example, during the review under CERD, shadow reports highlighted the high incarceration rates and deaths in custody.).
- An interactive, constructive dialogue takes place between the reporting country and the treaty body ('Committee') in Geneva every 4-5 years.
- The Committee adopts the concluding observations with recommendations on how to improve the human rights situation in the country reviewed.
- Implementation process of the recommendations within the country; follow-up questions may be asked or observations made by the Committee.

These concluding observations and recommendations can be used by civil society for programme proposals and advocacy to strengthen arguments.

### 3. The UN Human Rights Council

The UN Human Rights Council is the main human rights body within the UN, established in 2006 to elevate the status of human rights in the UN system. The Human Rights Council appoints the UN 'Special Procedures' such as Special Rapporteurs, undertakes the Universal Periodic Review and serves as an Advisory Committee to the Economic and Social Council of the UN (ECOSOC)

#### 4. The Universal Periodic Review

The Universal Periodic Review (UPR) is a peer review process of *all* human rights of all UN member governments that takes place every 4 years. It consists of:

- Review of the human rights record of every UN member country (in a 3 ½ hours session), and recommendations by other countries. The review process is based on three documents: the national country report, a compilation of information prepared by the UN, and the 'parallel reports' submitted by civil society. The national report has to include information on how the Government engaged with civil society in preparation of its report. NGOs are not involved in the actual review session at the UN Human Rights Council but can organise lobbying events around that review session in Geneva and are given an opportunity to comment when the final report and recommendations are adopted. The review is broadcast live over the internet.
- Agreement or rejection and subsequent implementation by the government of the recommendations made

Generally, the UPR is meant to be a more open process than the treaty body reporting. However, a general problem is the distance of Geneva from the realities on the ground. The UN is trying to overcome these obstacles through new technologies (i.e. web casts) and country visits of Special Rapporteurs.

Australia was under review on 27<sup>th</sup> January 2011.



## 5. Indigenous Peoples and the UN System – A History of Seeking Recognition and Action

*Why is there a need for Indigenous Peoples to engage with the international human rights mechanisms?* Indigenous Peoples do not have a separate standing/status at the UN. In the past, oppression has made it difficult for Indigenous Peoples to advocate for their rights. Indigenous Peoples have historically been denied a voice in the UN. The first recorded involvement of an Indigenous person with the international law system occurred in 1923 by Chief Deskaheh of the Cayuga Nation.

The **UN Permanent Forum on Indigenous Issues** (UNPFII) is an Advisory Body to ECOSOC, that provides expert advice, raises awareness, etc. It meets annually for 2 weeks in New York and is composed of 16 independent experts (8 appointed by Governments, 8 indigenous representatives; according to their personal capacity). It attempts to give Indigenous Peoples throughout the world a common voice in spite of the great diversity of cultures, lifestyles and languages. Tammy encouraged all participants to try to find an organisation and funding to join the UNPFII at least once.

The **Declaration on the Rights of Indigenous Peoples ('the Declaration')** is unique in international law due to the heavy involvement and high level of participation of the affected people themselves in its drafting process. The major principles enshrined in the Declaration include the 'foundational rights' such as equality and the right to self-determination of Indigenous Peoples, autonomy and participation, cultural integrity, land rights (including resources), and socio-economic rights. Through the adoption of the Declaration, the concept of *collective* rights was widely accepted, Indigenous groups now advocate for, and encourage widespread 'best practice' in implementation of the Declaration in order to make it customary international law in the long run.

As all international treaties or declarations, the Declaration requires domestic implementation in order to be enforceable. In Australia, the Racial Discrimination Act is an example of the implementation of one specific human rights treaty – CERD The RDA was critical in enabling the High

**A timeline of Aboriginal and Torres Strait Islander engagement** in the human rights system may start with William Cooper's petition to King George in 1937 to remove racist elements from Australia's Constitution. In the 1960s, a lot of engagement evolved, but only in 1982 a Working Group on Indigenous Peoples (WGIP) was finally established at the international level. An international study on discrimination against Indigenous Populations in the 1970s found that discrimination exists on all levels. In 1989, the International Labour Organization (ILO) Convention No. 169 on Indigenous and Tribal Peoples was adopted. It has however not been ratified by Australia. Also in 1989, 9 August was declared 'International Day of World's Indigenous Peoples' every year. Thereafter, in 1993, the International Year of Indigenous Peoples was proclaimed, and 1994-2004 the Decade of World's Indigenous Peoples, 2004-2014 the 2<sup>nd</sup> Decade of World's Indigenous Peoples. 1993 was a turning point in the human rights history because of the 'World Conference on Human Rights' in Vienna and the Programme of Action where human rights were brought on the international agenda and Indigenous rights were prioritised. In 2000 the UN Permanent Forum on Indigenous Issues (UNPFII) was set up under the ECOSOC. In 2001, the Special Rapporteur on the Rights of Indigenous Peoples was appointed by the UN Human Rights system. In 2007, after a 25-year drafting process, the UN Declaration on the Rights of Indigenous Peoples ("the Declaration") was adopted, with 143 voting in favour, 4 against it (Australia, Canada, New Zealand, and USA). All four states have now signed up to it (Australia in 2008). In 2008, the Expert Mechanism on the Rights of Indigenous Peoples was established by the Human Rights Council. In 2014, the World Conference on Indigenous Peoples will take place.

Court to hear the Mabo Case. However, even without national legislation to enforce the Declaration, it can be used and referred to in advocacy work. The National Congress of Australia's First Peoples is committed to raising awareness on the Declaration throughout Australia.

The current **UN Special Rapporteur on the Rights of Indigenous Peoples**, James Anaya (US Law Professor) visited Australia in 2009 and released his comprehensive report in 2010 (see manual), with a whole annexure on the Intervention, which is yet to be formally responded to by the Government. Generally, Special Rapporteurs are appointed by the UN Human Rights Council in Geneva on specific thematic or country issues, and are mandated to undertake country visits upon invitation by the Government, release reports (with recommendations for the country; follow-up action can then be taken) and receive individual communications/complaints.

The **UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)** is the most recent mechanism for Indigenous Peoples (established in 2008 by the Human Rights Council). It consists of 5 experts and meets annually in Geneva for one week. Its mandate is to provide thematic advice (no advocacy!) on particular issues affecting Indigenous peoples to the UN Human Rights Council and governments, to keep track of the implementation record of the Declaration and to be in dialogue with the Special Rapporteur.

## 6. Practical Exercise – Group Work on the Declaration

In order to give participants time to go through and discuss the specific provisions of the Declaration, they were split up in three groups to identify the relevant articles on, respectively, housing, employment or education. These articles were then compared to the articles identified in the other treaties in relation to the same key issues the previous day.



## 7. Timeline of Indigenous Action for Rights in Australia

Tammy showed the presentation 'History in Pictures' developed by the Rural Health Training Unit, namely the artists Julie Hayson, Richard MacLean, Radayne Tanna and Dennis Kickett. Five insightful paintings outline major events in Australia's history since the 1770s in relation to Aboriginal and Torres Strait Islander peoples.

The visual timeline covers five major periods.

- 1770s-1890s: Invasion and settlement
  - o Indigenous peoples poisoned; traditional lifestyle changed; homes built and land cleared; terra nullius doctrine; diseases introduced; decimation of Indigenous population from 750,000 to 14,000 (and 1 million non-indigenous people by 1858)
- 1890s-1950s: Protection and segregation
  - o Lifestyle changed through force, no free movement; cultures nearly wiped out; Indigenous people physically bound but spirit not broken; strict control in reserves and inferiority
- 1950s-1960s: Assimilation
  - o Caught between white and black worlds; alcohol abuse; suicide rates; children taken away from their families; Indigenous people feel worthless; identity confused
- 1960s-1972: Integration
  - o Citizenship introduced for Aboriginal and Torres Strait Islander peoples (after 1967 referendum to remove racist elements from the Constitution); community housing and infrastructure programme; recognition of Aboriginal flag and culture; basic wages introduced -> pushed away from their land; alcoholism as a consequence of policies
- Towards Self-determination
  - o Land rights movement; Mabo case (1992); freedom rights; formal recognition of cultural diversity
- Today? Intervention? Going backwards?

In this context, Aunty Elaine Peckham read out the poem “Never give up hope” in order to encourage and inspire participants to speak up for their and their community’s rights.

## **8. Avenues for Action in Australia**

Human rights belong to each individual and they impose duties and responsibilities on others. Every person has a responsibility not to abuse someone else’s human rights – to respect their human rights and dignity – but under human rights standards the government is the primary duty bearer for ensuring that an individual’s human rights are respected, protected and fulfilled. One of its responsibilities is to ensure that individuals have a right, or access, to a remedy when a right is abused or violated.

In Australia this access to remedy may be available through the courts, through state/territory based Anti-Discrimination/Human Rights Commissions or the Australian Human Rights Commission. Legal services and legal aid schemes are intended to ensure that access to remedy is available to those who cannot afford legal advice.

Human Rights protection in Australia is quite weak as there is no national level guarantees of most human rights. Australia has no national bill of rights, and modern understanding of human rights is not reflected in Australia’s constitution that was adopted in 1901.

Discrimination on the basis of race, sex (and sexuality), age and disability has been prohibited in law.

## ***Constitutional Recognition***

A major amendment of the Constitution occurred through a referendum in 1967 which enabled the Commonwealth to override racial discrimination by the states, recognised Aboriginal and Torres Strait Islander peoples in the census for the first time, and gave Parliament power to make special laws for Aboriginal people.

However, discriminatory legislation and policies continue to exist. Therefore, another Constitutional reform is being pushed forward by Indigenous and human rights groups. An Expert Panel was set up in 2010 and made recommendations in January 2012 to remove the remaining racist sections and add new sections that formally recognise Aboriginal and Torres Strait Islander peoples. The prohibition of 'racial discrimination' should be added to the Constitution. Since the hierarchy of laws sees the Constitution above all other legislation (federal and state/territory laws), all legislation and policies would then have to be consistent with the Constitution. Since the current Constitution is silent on racial discrimination, legislation such as the NT Intervention cannot be constitutionally challenged as yet. The "Recognise" campaign by Reconciliation Australia is currently working to educate Australians about the Constitution and the need for reform. [recognise.org.au](http://recognise.org.au) Legal avenues for redress comprise complaints on racial discrimination addressed to the Australian Human Rights Commission, Court action, complaints to administrative bodies or Anti-Discrimination Commissioners, suing the police or others through legal services, and the consideration of international avenues (through the UN system).

Finally, Seranie gave a brief overview of important advocacy websites such as that of the UN Office of High Commissioner for Human Rights (where all the information on the human rights treaties and treaty bodies can be found), the National Congress of Australia's First Peoples (which is run and owned by Aboriginal and Torres Strait Islander People) and the Indigenous Human Rights Network Australia (a network to organise groups and access relevant information). [www.ohchr.org](http://www.ohchr.org)

## **DAY 3**

### **1. Advocacy and Lobbying**

Trainer Bill Barker, a former Australian diplomat in the Department of Foreign Affairs specialising in human rights and Indigenous issues and who spent four years in Geneva, Switzerland as an Australian Government representative to the UN presented on lobbying and advocacy with an emphasis on how to get Government to listen.



The session commenced with a possible definitions of 'advocacy': Advocacy could be described as influencing decision-makers to make changes; speaking up for someone/something; trying to get a message across.

'Lobbying' means dealing with people who have power in face-to-face meetings, phone calls, emails, etc, trying to persuade them to do something.

An advocacy campaign, in turn, describes a wide range of activities aimed at achieving a single broad goal.

Both tools focus on persuasion of someone with power. People with power have "the ability to get things done" and have control. They may include politicians (they make decisions and have access to resources), Government officials, journalists, business representatives (companies sometimes provide basic services in the area they operate in), celebrities, other Australians or tourists.

Basic principles to remember are: Know what you want (have a clear objective), check who would be the best person to see (do some research on the person), start the meeting on the basis of mutual respect, think through what you are going to say and use the power of the human rights message. Then, stick to your plan, focus on issues not personalities, and be prepared for questions. Main points should be summarised, a follow-up letter/email could be sent to consolidate the meeting. Letters and emails should always be in a formal and professional format, and as concise as possible. They have a greater impact if a whole organisation stands behind them.

Public speaking is challenging and intimidating for most people. Good speakers are seen as role models, but these skills can be learned, especially with good preparation, structure and notes as a guide.

## **2. Levels of Government – Information about the political framework**

In all advocacy efforts Bill pointed out the need to first identify who has responsibility in the area related to your concerns and who makes or can influence decisions.

In Australia there are three levels of government:  
Commonwealth (Federal). State and Local.

- 1) Commonwealth. The Federal Government is based in Canberra and makes laws. The Federal Government comprises people such as the Prime Minister, the Attorney-General and other Ministers with specific responsibilities. The federal and state governments share responsibility for social issues (such as health, housing, education), but the Federal Government mostly provides the money for the services.
- 2) State/Territory. The NT is self-governed but does not have the status of a state (people rejected statehood at the referendum in 1998). The Federal Government can override NT legislation (in a negative way: Intervention, or in a positive way: land rights).
- 3) Local governments are for example the city/town/Shire councils, and are under the legislative control of the state/territory. Local Government is responsible for parks, waste collection, libraries, etc.

The targets of lobbying/advocacy could be elected representatives (ministers - main decision-makers), government advisers at all levels (can be influential to get the Minister's attention) and public servants at all levels (They can provide advice to Ministers/the Government, to put Government decisions into practice (implementation). Everyone has the right to approach their representatives with an issue of concern. The representative has the duty to pass the concern on to the Government.

#### **4) Group Activity: Role-play lobbying a government representative**

Participants meet in groups with a Minister to discuss a specific concern. Issues identified by participants as the most urgent ones are social justice/incarceration rates, the home lands movement, education and youth.

The Education Group *met* the Minister of Education to call for culturally appropriate education through reforms of the curriculum. The *Minister* was told about discriminatory practices such as language tests, Indigenous Elders feeling they are not playing a vital role in the upbringing of their grandchildren due to the mainstreaming of school curriculum and the need for an increase in Indigenous teachers. The group referred to a number of relevant Indigenous and human rights in order to strengthen their arguments.

The Home Lands Group *met* the Minister of Indigenous Affairs to raise major community concerns, namely the lack of resources and services. The group requested Government outreach programmes and service providers to come out to the communities and provide basic services.

The Social Justice Group *met* the Attorney-General to discuss concerns about high incarceration rates among the Indigenous population. In this context, the group referred to statistics and



also the discriminatory, unfair and culturally inappropriate treatment by police. The group suggested some mostly cost-effective measures to be taken. They referred to human rights to underpin arguments.

The Youth Group met the Minister of Education to put forward the idea of establishing a Youth Centre in order to reduce the crime rate in their community. The group had concrete ideas for the Centre and was ready to make compromises and to adopt a step-by-step approach in order to get the project started. Reference was made to Indigenous rights and the Declaration.

Bill commented on the importance of having one clear message, narrowed down to one specific



target, and to summarise the points agreed upon at the end of the meeting. Human rights are a very powerful tool which can easily be used in such a meeting. Finally, you should be well prepared and also ready for spontaneous and maybe unexpected questions that challenge your arguments.

## 5) Introduction to the Media: Using Media for Advocacy

Andy Nilsen talked about how engaging with the media can be a very powerful tool. Justice can often be found through the media. Ignoring the media, not speaking up for yourself in the media, often means that someone else will do it for you – and maybe in a way you would disagree with.

*“If you don’t control the media it will control you.” (Wendell Sailor)*

The first session provided space to discuss openly the participants’ perceptions of, and dealings with, media. Andy asked if participants are happy with the way that media treat issues relating to Aboriginal and Torres Strait Islander peoples. Most participants said they are great media consumers, especially in terms of watching the news. Participants agreed that journalists seem to be too focused on the negative stories. Positive views on media were that media is a great opportunity to raise an issue and speak out.

Media is inevitably a part of advocacy campaigns due to its nature as a forum for public debate. It is the tool/vehicle to have a public discussion. It sits higher than the police or the Government: It can hold them accountable.

Getting a journalist interested is tough because you need to make your story the most important item in that area on that day. However, there is a great diversity of news, and there are people who are particularly interested in indigenous issues. Those are the ones, Andy advised, should be targeted.

Generally, Indigenous issues are under-represented in mainstream Australian media and the majority of stories which do appear are negative. In the power struggle between journalists/media

and Indigenous Australians, the latter often seems powerless. Through understanding the media and harnessing its power we can make a huge impact -> powerful tool to facilitate change.

### ***What is the 'media'?***

Newspapers, TV, radio, magazines, and online, social media (nowadays one of the key tools to approach journalists is posts and tweets in the social media) -> Media means the way something is delivered.

### ***What is 'news'?***

News is something new that fills up this space that is delivered by media. It is something people are interested in, something that is of public interest and relevance. Every story involves some kind of conflict in order to show two sides of an argument. Journalists always need to challenge views, beliefs, positions in order to get people think and show the two sides of every issue. News is a very specific, a focused moment or event (i.e. not the Intervention as a whole). Generally, relevance is key – this depends on the particular media you target; different media have different focuses (local or global angle, etc)

### ***Why is the media often negative?***

Most stories in mainstream media are 'negative' because conflicts/scandals create a story. A lot of the media are commercial corporations. They therefore often also give a lot of space to entertainment.

Whatever is reported in the media – there is also a chance to hit back, to reverse the story, and to get the truth out. Therefore, you need to confront it and speak up (Otherwise, someone else will fill this space for you.).

## **DAY 4**

### **1. Introduction to the media continued**

Andy Nilsen continued with the previous days' session on media, concluding: If you're unhappy with media's coverage, you can ignore the media, accept it (learn to work with it), or produce your own media.

Participants shared their own stories and past experiences with the media, including the negative ones, for example in tragic family events. The media can be ignorant but should always comply with protocol/ethical guidelines – it's a learning process for both, the journalists and the interviewee. When interacting with the media, you should set the principles (to protect your children/family, etc).

Commercial media is under some pressure and has a different motivation to report on more sensational issues, whereas NITV for example would rather report about positive issues and bring stories about best practices. NITV News is a national media used for Indigenous People by Indigenous People.

The media is fast. Whenever the opportunity comes up, we have to be prepared and know what we want to say and how we want to say it. Unfortunately, there are only a small number of Aboriginal representatives/“spokespersons” that often appear in the media. As a result, the public assumes that their opinion is the voice of all Aboriginal people. Journalists know that they can easily get an answer to their questions from these few “spokespersons” and therefore may not even try to find other representatives to talk to. So take the opportunity when it comes!



Key points are: Be organised (with a detailed plan), have a clear position on an issue and a goal, find supporters to form a common voice, summarise your position in one sentence – be precise and concise, and use statistics; compile evidence to support your arguments, and nominate a spokesperson.

## **2. Practical Media Exercise: *How do you want to change your community?***

Participants worked in groups on the specific issues defined the previous day. The task was to either work on a so called ‘bullet key points document’, a ‘position statement’ or a ‘Q&A document’. (Every group then decided to prepare for a ‘position statement’.)

A ‘bullet key points document’ is one page divided into several sections with bullet points containing the most important and most precise information and statistics.

A ‘position statement’ is one page with three sections: the statement (the position summarised in one sentence: Who, what, when, where, how/why?), the evidence (statistics and facts to support the statement), and what you think should happen (What are you calling for (alternative solutions)? Why are you getting involved?). Generally, three key messages make the statement the most effective and powerful.

A ‘Q&A document’ is good to prepare for the media, namely for the most common questions that may come up. The document consists of several questions and a direct answer to each specific question.

In all cases, we have to think carefully which words we use and which implications they have – organising a roundtable with everyone affected to discuss the exact wording could be helpful. Try to be as specific as possible, and focused!

Craig Quartermaine from NITV was on hand to offer advice.

The home lands movement group suggested as possible statement: *“We the people from the Home Lands Movement face difficulties and hardship on a daily basis due to lack of essential services such*

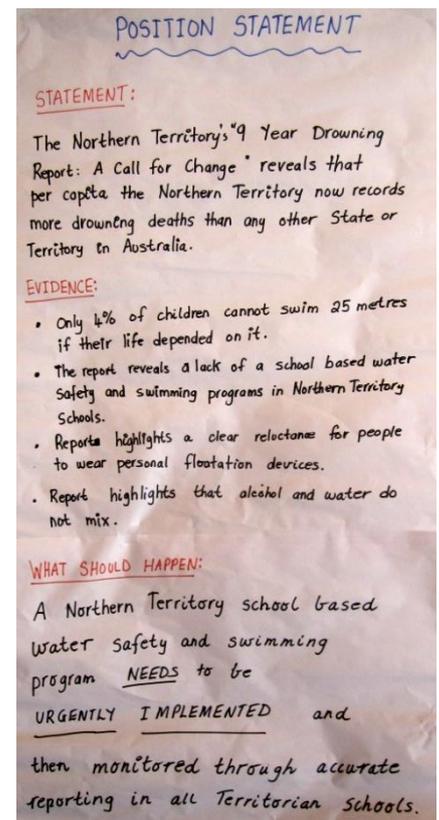
as water and power.” The group also referred to the detrimental impacts on health, hygiene and displacements (the influx of people from remote communities to towns always causes severe social disruptions). A reform of Government resource allocation may be necessary. Evidence that was listed was a recently released report confirming that people live healthier in their homelands. It was suggested that funding for services be increased.

Further advice from Craig: Key words should come first in the statement, namely lack of access to water and electricity, as well as the referral to international human rights standards. Who is responsible (name one individual, if possible)? And who is the community representative? This is a ‘timeless’ story because basic services are concerned.

The Youth Group focused on getting the youth away from the streets and making them feel useful. Evidence may be a positive example/‘role model’ from another town (supported by statistics), and outlining the consequences of the current situation and the costs of substance abuse for the Government (preventative measures may be a lot more cost-effective). What should happen? It might be more effective to have locals as night patrols rather than police; solutions should be negotiated in community roundtables; and finally, programs need to be properly resourced.

Further advice from Craig: You need figures and statistics (i.e. on the drop-outs at school, substance abuse, etc). Is there an impact on the community? Has the situation in the community deteriorated? What exactly does the community want? Has the Government allocated its resources inappropriately (i.e. invested in the police instead)? As regards the timing, if there is a negative event covered in the media (i.e. a fight), you should take the opportunity and come up with your pre-prepared statement. Back up your argument not only with figures from the community, but also with global figures and comparisons.

The Social Justice/Incarceration Rates Group penned its statement around the recently released Report on Deaths in Custody. Possible evidence might be the use of social, economic and environmental statistics (i.e. 83% of prisoners are Indigenous (most of them imprisoned for minor offences)); or an example of Government budget allocation (AU\$ XXX spent to build a new prison rather than to invest in social justice programs). What should happen? The way the police interact with Aboriginal people should be changed; preventative measures, increased rehabilitation and reintegration programmes should be considered rather than imprisonment over and over again; the positive example of the new low security jail in Darwin with courses on cultural skills could be referred to.



Further advice from Craig: Research on questions such as: Deterioration in recent years?  
Numbers: How many Aboriginals are imprisoned per year. If you focus on the opening of the new prison in Darwin, a heading such as “Overcrowded before Opened” may be an eye-catcher.

The Education Group pointed to concerns with the current curriculum not including bilingual learning. Cultural aspects are not recognised by teachers in early learning. Education is the way out of poverty; it creates opportunities. Languages are a strength and involve more than words, it’s a way of thinking. Focusing on English increases the power imbalance. Therefore, it is important that students retain their culture, customs and language. Evidence that may be cited is the fact that English often is the second, third or fourth language for Indigenous children. Most teachers in NT are non-Indigenous, even in remote areas. Statistics showing that there have been no improvements in the education records since bilingual learning was removed would be helpful. As of today, only 5 bilingual schools are left. At some schools, Indigenous children learn their mother tongue for only 30 mins per week. Is this unnoticed institutionalised racism? Referral to relevant human rights treaties would further strengthen these arguments. What should happen? More indigenous teachers are to be trained in order to make possible bilingual learning. Moreover, the curriculum as well as the teacher training should be reviewed to make it more culturally appropriate.

Further advice from Craig: Put statistics first in order to attract interest. Timing: Potential school visit of politicians (and protest if they do not want to speak with concerned community members, but only want to get nice photos with Indigenous children for their publicity). Generally, the best time to speak out is when a program is being designed, not when implemented.

Put your argument/statement forward over and over again. Take every opportunity that comes up. Verify your statistics before quoting them in an interview. In depth research and knowledge of the issue is key.

### **3. The Journalist’s Perspective**

Craig Quartermaine, the former NT correspondent, now WA correspondent of NITV News firstly encouraged the participants to use community radio as much as possible to get their ideas out.

As a NITV correspondent, Craig is always chasing positive Indigenous stories. The most important way to draw attention to an issue is to be short and precise. It is also helpful to get as many people as possible behind you. The more people are affected or concerned, the easier it is to get media attention. It is also important to draw a link to the people: How does the issue impact on the people/communities?

#### ***How to spread the word?***

Through community radio, social networks (Face book posts should be short and no more than one per day); press releases about events (with information as regards who, where, when, what about?).

## How to contact journalists?

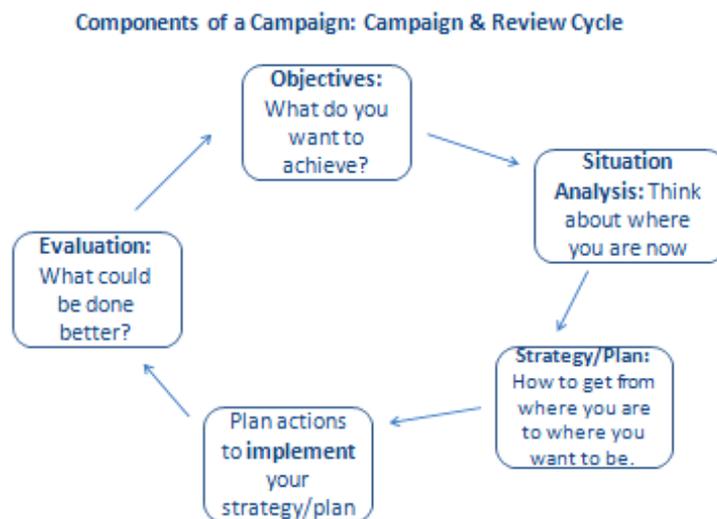
Email them directly (especially journalists you know and/or those who frequently report about Indigenous issues). NITV is very accessible and always open for new stories, even if it's not about a major event. Already in your first email/call, you should be very concise, short and sharp.



## DAY 5

### 1. Developing an Advocacy Campaign

Advocacy campaigns are wider than lobbying activity: They require more sustained, long-term approach which can take years. It thus requires a proper strategy which is an organised form of action to achieve specific change. In particular if you seek external funding, you should come up with a detailed plan.



#### **Objectives:**

What do you want to achieve? What are the short-term/long-term objectives? What is the human rights context and relevant international instruments? What does the international human rights instrument state? Did the Government sign up to this instrument? Does your campaign help implement this instrument? (Governments would never deny human rights standards, and are under pressure to live up to their commitments.)

### **SMART Objectives:**

Ideally, objectives are **specific, measurable, achievable, realistic, and time-limited**.

### **SWOT Analysis of your Situation:**

Think about the strengths and weaknesses of your organisation (i.e. strong community connections as a strength; lack of resources as a weakness), and the opportunities and threats as external factors that may have an impact on your campaign (i.e. the visit of a politician as an opportunity). Action needs to be taken to overcome the weaknesses and threats.

### **Strategy:**

A strategy should be written down, supported by the whole coalition/base of supporters, and constantly reviewed. If you are under resource constraints, you should focus only on the key points of your campaign and try to constantly broaden the coalition. Generally, it helps to humanise what you say in order to make a connection with the audience through a personal story.

Human rights campaigning techniques entail research, the utilization of the media, new technologies and social networks; getting support through lobbying; organising public meetings, or demonstrations/protests, strikes and boycotts; and creativity.

Key principles are:

- a) Focus: What do you want to achieve? Use your resources effectively.
- b) Credibility: Indigenous peoples have an inherent credibility and sincerity due to the “justice of the cause”. But always try to be accurate (especially when citing statistics, etc), and to interact with people on a basis of trust. Other important elements are independence (no affiliation with a political party, etc) and persistence.
- c) Relevance... and how can you make your issue relevant to others?
- d) Timing: Media statements of the campaigns could be timed with related UN reports and visits. Try to fit it with the decision-making process, rather than with the implementation process of a bigger programme. Link your activity with other activities and with Aboriginal organisations such as land councils.

If things are not going well, try not to lose heart & hope. Most often, it is the external environment that poses obstacles that are difficult to overcome. Thus, take a long-term view.

## **2. Practical Activity: Advocacy Campaigning Exercise**

Participants are split up in the same four groups as the previous day, working on land, youth, social justice and education. The objective of this activity was to build an understanding of what is involved in developing an advocacy campaign. The groups



discussed their objectives, completed a SWOT analysis, and identified strategies and techniques.

The Social Justice Group's campaign aims at strengthening the involvement of Indigenous people (namely the traditional owners) in decision-making that affects them and in the implementation of policies at all levels. Its strategy and techniques were organising a community meeting with a variety of speakers (politicians, NGO representatives and indigenous leaders), and using the media to create public support. The campaign would be reviewed after 12 months. Strengths are the strong bonds with the community; a weakness may be the lack of research and knowledgeable speakers. An upcoming opportunity could be the adoption of a new policy; a threat might be the timeframe and the bureaucracy.

The Education Group prepared a campaign with the objective to reinstate bilingual (two-way) teaching and learning in NT primary schools. Strengths of such a campaign are the commitment of members and the concerned community, as well as the participation of knowledgeable and skilled people. A weakness is the lack of funding and resources. Opportunities that might come up include meetings of School Councils, visits of politicians, community events (i.e. Family & Children's Week), or studies on crucial Indigenous contributions to Australian culture (very much based on the languages!). Threats, in turn, may be small numbers of supporters, and general hostility/resilience. The strategy is to get the NT Minister for Education to lend support (if no support: rallies), to get more people informed, and to get support from schools, communities, organisations. The envisaged techniques include lobbying with politicians as well as school principals, teachers, parents, etc; creating a website/Face book page (maybe even a You Tube video); fundraising through telling a story, being creative, and using traditional symbols to connect with the people. It would be helpful to explain the campaign in the local language or simple English.

The Home Lands Group developed a campaign with the objective of having water and power supplied to the homelands. The strategy focused on community meetings, shire councils and fundraising (Government). Techniques comprised a community rally to generate support and create pressure; media awareness; and public campaigning aiming at holding the Government accountable.

Finally, the Youth Group's campaign had the objective of establishing a Youth Centre. The strengths being the support from the local community, the police and schools. Weaknesses however are the



difficulty of funding, overlapping programmes in the community, and the lack of experience (therefore experienced adviser will be invited). The strategy is to consult with other organisations working on similar issues; the techniques are a community meeting (with media coverage), and the drafting of a written report. A review will take place after 12 months.

### 3. Closing

Participants gave a positive feedback, stating that they learnt a lot during the 5-day workshop (especially about the challenging and complex international legal framework), were greatly inspired by both participants and trainers, and are motivated to continue their commitment and activities towards effective equality and justice. Harold Furber from the Desert Knowledge Centre and Auntie Elaine Peckham joined the group for the closing session and awarded the certificates to the participants.

### Participant's Evaluation

The 2013 Alice Springs program was evaluated very favourably by the participants.

When asked what were **the best parts or sessions of the program**, some of the things participants told us include:

*I thought all sessions were good. The best part was understanding the UN process and how to lobby government.*

*I really enjoyed all aspects of this program. I gained a great deal of knowledge from all sessions and believe this is going to benefit me within my work and my community.*

*I think the workshops were very informative they give us strategies and tools to implement in dealing with peoples and situations and government bodies.*

*Human Rights sessions, understanding human rights and the Universal Declaration of Human Rights and the United Nations system. A brief understanding of history behind the UN. I found the Indigenous timeline interesting too. All these sessions will help equip me to utilize these tools and prepare me for UNPFII.*

*Activities (group sessions) it gave me an opportunity to hear personal stories of achievement.*

*Media- how to access and get media to work for you in a positive manner.*

*I really enjoyed the Human Rights sessions. I feel as though most people know they have rights but they don't know what specific rights they have or what they can do if someone violates their rights. So this was extremely informative.*

Given the opportunity to provide feed back on **the least useful sessions** a number of participants noted that it was not possible to identify a session as all sessions were informative, relevant and linked with other sessions. Two participants mentioned difficulty with content *...too much information in too short a time* and suggested that the presentation of information could be improved by more pictures and diagrams.

The **length** of the program, **degree of difficulty** and usefulness of the **training materials** were all positively evaluated by the majority of participants. A number of participants reported that they would be using the materials to pass on the knowledge.

*Resources were great. Use of guest speakers was excellent. Presenters of training were also excellent.*

*The materials/ resource are great to use and put into practice what we learned.*

*The 'Free and Equal' booklet is a God-send.*

One participant suggested that in the future it would be useful for the DTP to ask people to bring resources on their organisations to the training to share.

*I would love to have had some information and /or handouts about where these awesome people work and what they do.*

Participants were also very happy with the quality of the trainers.

The following is a tabulation of the ratings given by participants assessing the objectives of the program:

Program Objective	1 (Very poor)	2 (Poor)	3 (Average)	4 (Good)	5 (Very Good)
To build knowledge of Human Rights and the Rights of Indigenous Peoples and how this applies to Indigenous Peoples.			1	3	10
To look at the international Human Rights framework and the obligations of the Australian government to respect, protect and fulfil Human Rights and the Rights of Indigenous Peoples.*			3	3	9
To explore how Human Rights can be used to hold government accountable at the state, national and international level.			2	3	9
To develop practical lobbying and advocacy skills.*			2	3	8
To provide opportunities for participants to share and learn from each others' experiences and to develop support networks.*			2	1	10

\*participant numbers vary depending on how many options were circled and/or whether the question was answered.

When asked if they could identify **how the knowledge about human rights and the UN system might influence their work or approach to particular issues** some of the feed back we received included:

*It gives me a better understanding and as an Indigenous person how our rights are recognized and valued.*

*It will allow me to use and quote the UDHR articles in writing submission and recommendations to politicians, government and government organisations. All this knowledge I can write directly to Special Rapporteur and hopefully receive a favourable outcome.*

*Now being knowledgeable in the UN system and human rights I can use it to educate more people and change their negative views of certain topics into positive ones.*

*This knowledge of the UN is going to benefit me a great deal for example when dealing with clients in the community that are facing discrimination or being treated unfairly.*

We received some advice that the use of diagrams and more visual presentations would assist in linking knowledgeable skills and in addressing confusion amongst participants and to personalise the sessions more with, for example, videos of people attending the UNPFII.

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*DTP acknowledges and thanks Marion Sandner from the Office of the United Nations High Commissioner for Human Rights, Regional Office for the Pacific for her assistance in preparing this report.*