

Engaging with the United Nations Anti-Torture Mechanisms

in partnership with

The NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
(STARTTS)

Program Report

1. Executive Summary

The Diplomacy Training Program (DTP) partnered with the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) to hold a workshop on engaging with the United Nations Anti-Torture Mechanisms in Sydney, Australia on the 26th of June 2024. This training focused on capacity building for representatives of, and advocates from, refugee and migrant communities living in NSW, Australia.

Since 1990, DTP has established its reputation for delivering relevant and practical human rights training programs for human rights defenders in the Asia-Pacific region. The participatory program methodology is based on respect for the experiences, perspectives and skills of participants. The training methodology is interactive with an emphasis on group work, role plays, case studies, exercises and small group discussion. A comprehensive DTP manual complements the training.

Twenty-two community representatives including those born in Africa, the Middle East and Asia came together to participate in this program. Many of the participants have escaped persecution for their beliefs, their identity, and their peaceful advocacy for justice. Some have been in Australia for decades, while others have more recently migrated.

There were three sessions in workshop, which included time for group activities and case studies. Sessions focused on an introduction to the UN Convention Against Torture (UN CAT) and the UN CAT Committee; an overview of the UN Cat Committee's periodic review; and a brief explanation of the UN Optional Protocol to the Convention Against Torture (OPCAT). The participants were also able to work in groups, collaborating with both people within and outside their communities to actively apply the knowledge acquired throughout this workshop.

2. Purpose

This workshop continues the partnership between DTP and STARTTS, following other programs last year and earlier this year. This program recognises that while individuals may have been forced to flee their homelands because of persecution and fears for their safety, they remain deeply concerned and committed to promoting and protecting human rights and justice there and look for ways to do that effectively and peacefully. In addition, as leaders of their communities in Australia, they are also deeply committed to addressing issues of rights and the welfare of their communities here and to do this effectively they need to have an understanding of how the UN mechanisms are being employed in Australia

as well. This program is part of DTP's longer-term strategy of building capacities and networks for the diverse human rights movements within Asia Pacific and diaspora communities in Australia.

3. Program Methodology and Materials

Key elements of the DTP's approach include:

- A. **Participatory, peer-to-peer learning processes:** We have a strong commitment to participatory learning methodologies. We create space for participants to share and learn from each other's experiences and to develop mutual support networks.
- B. **Bespoke programming:** We tailor sessions and select guest presenters to meet shared learning objectives and respond to individual interests and needs of the diaspora.
- C. **Network building:** We place a strong emphasis on building external linkages with a wide range of local and international individuals and organisations. Ability to identify and attract relevant organisations and expert guest presenters is underpinned by DTP's alumni networks in Australia, South-East Asia and globally.
- D. **Inclusiveness:** A priority is given to youth and women leaders from ethnic minorities who are often excluded from advocacy processes and who are also affected disproportionately from human rights abuses. Delivery of the program was led by DTP and STARTTS staff and experts in-conjunction with selected partners and community leaders.

4. Participants

STARTTS selected the 22 participants for this program. All wanted to learn more about the UN anti-torture standards and mechanisms and how they can actively engage with them from the diaspora. DTP appreciates the commitment the participants had to this program. Their energetic participation, openness to sharing, support of one another, and respect for the trainers and facilitators were appreciated. Efforts are made to ensure gender balance, geographic representation, and a mix of career backgrounds.

This program had an impressive range of participants from many different backgrounds and careers. They included a refugee from the Democratic Republic of Congo, who came to Australia in 2003 and has since become an educator delivering trainings for refugees from different backgrounds, a journalist and photographer from Burundi working to prevent future genocides like the 1994 Genocide in Rwanda, and a dentist and oral surgeon whose work focuses on advocating for human rights, with a focus on the historical rights of the Assyrian people in their ancestors' land. A majority are dealing with issues of being a refugee and migrant in a new country. All are from diaspora communities, working not just on their own concerns but for their communities. Having the opportunity to connect with participants from extremely different and diverse backgrounds is one of the most valuable aspects of DTP and STARTTS training.



5. Trainers

DTP relies on the pro bono contributions of its trainers, who share DTP’s commitment to investing in human rights defenders. Trainers, presenters, and facilitators in the program included Specialist Advisor- Immigration and OPCAT at the Australian Human Rights Commission, Steven Caruana, DTP Program Officer, Naung Naung, DTP staffer and independent researcher and analyst, Dr. Mubashar Hasan, and CiCT Senior Project Officer at STARTTS, Dr. Atem Dau Atem.

6. Program Description and Highlights

Introduction to the United Nations Convention Against Torture (UN CAT) and the UN CAT Committee

Steven Caruana, Specialist Advisor- Immigration and OPCAT of the Australian Human Rights Commission, began by giving an overview of the UN CAT, explaining how every country is bound by the Convention even if they are not party to it or have ratified the treaty. He provided an overview of the UN CAT’s definition of torture as the most comprehensive and accepted definition. He broke down the four main aspects of the definition: intentional infliction (either doing or failing to do something on purpose), of severe mental or physical suffering (in relation to the victim), by a public official who is directly or indirectly involved, and for a specific purpose (e.g. punishment, soliciting information or a confession, for intimidation, etc). He also explained the distinction between torture and cruel, inhuman or degrading treatment or punishment, with one of the elements not being met.

Steven asked participants to complete an exercise on examining a series of case studies and determining whether they would be considered torture according to the UNCAT definition. The discussion session elicited a variety of interesting comments, questions, and discussions, demonstrating the experience and knowledge of the participants. Steven commented afterwards on the expertise and engagement of the participants.

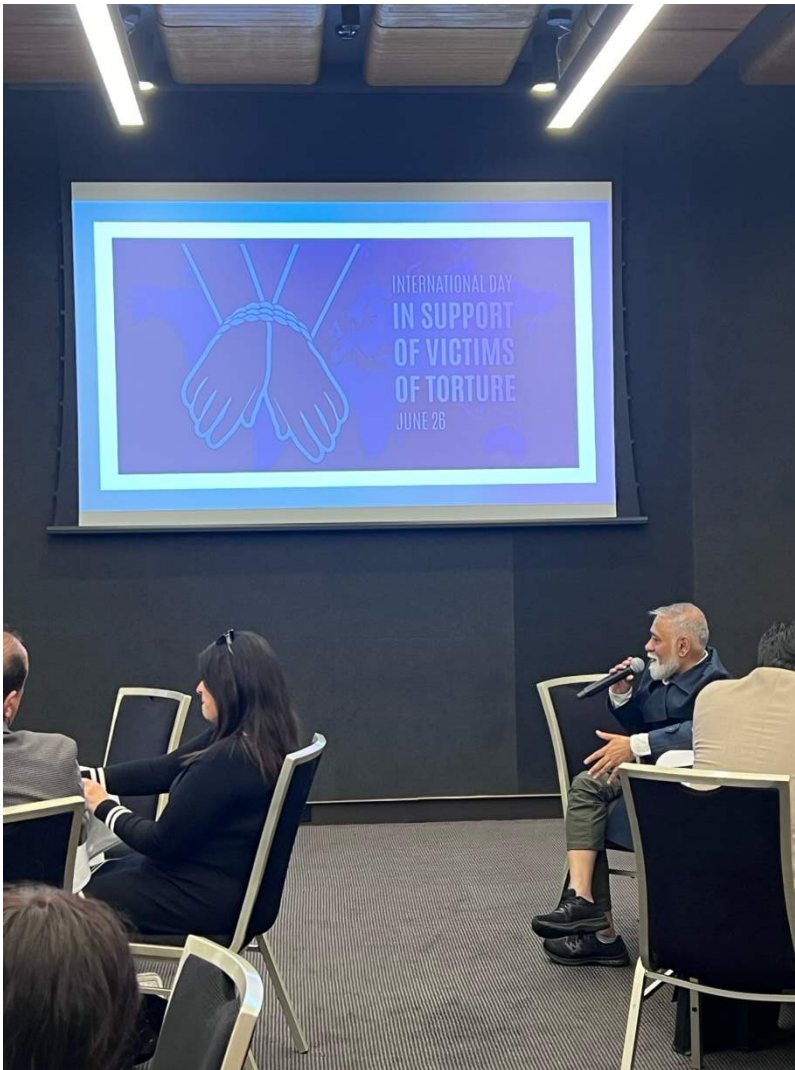
To finish this session Steven also briefly presented the State Party Obligations under the UN CAT, as well as the UN CAT Committee, who provide general comments and expanded definitions on the UNCAT.

The UN CAT Committee and the Periodic Review

In Session 2, Steven Caruana highlighted how community leaders can engage with the Committee's periodic review in order to provide their insight into what's happening in their community, including from the diaspora. He explained how there were three periods during which they could provide information. Firstly, once the Committee presents their list of issues to the State Party that they want to discuss during the reporting cycle, there is an opportunity for civil society and national human rights institutions to send their comments. Following this, the Committee holds constructive dialogue with the State Parties during their sessions in May and November, as well as the human rights institutions and any civil-society organisations who provided observations or shadow reports before the session. Finally, during the follow up period, these community members can continue making submissions, as well as putting pressure on governments to release their final reports. This session allowed participants to understand how they can actively engage with the UN mechanisms, with Steven leading an activity for participants to think about what they would suggest to the Committee on what's happening in their own country.

UN Optional Protocol to the Convention Against Torture (OPCAT)

Finally, in the last session, Steven provided an overview on the Optional Protocol to the Convention Against Torture, which currently has 94 State Parties, which also has a sub-committee on prevention of torture. He explained how the State Parties have to set up a similar body within the country which does the same role as the sub-committee and is independent to the government. The key topic highlighted in this session is how civil society organisations can also participate and provide submissions to the sub-committee in preparation for their country-visit, in order for the participants to understand how they can actively engage with it to help their own countries. Additionally, he also provided context on the situation in Australia which does not currently have a full National Preventive Mechanism.



7. Program Evaluation

The workshop session incorporated both pre-evaluation and post-evaluation processes to measure the impact of the training on participants' knowledge regarding Torture and the United Nations Convention Against Torture (UN CAT).

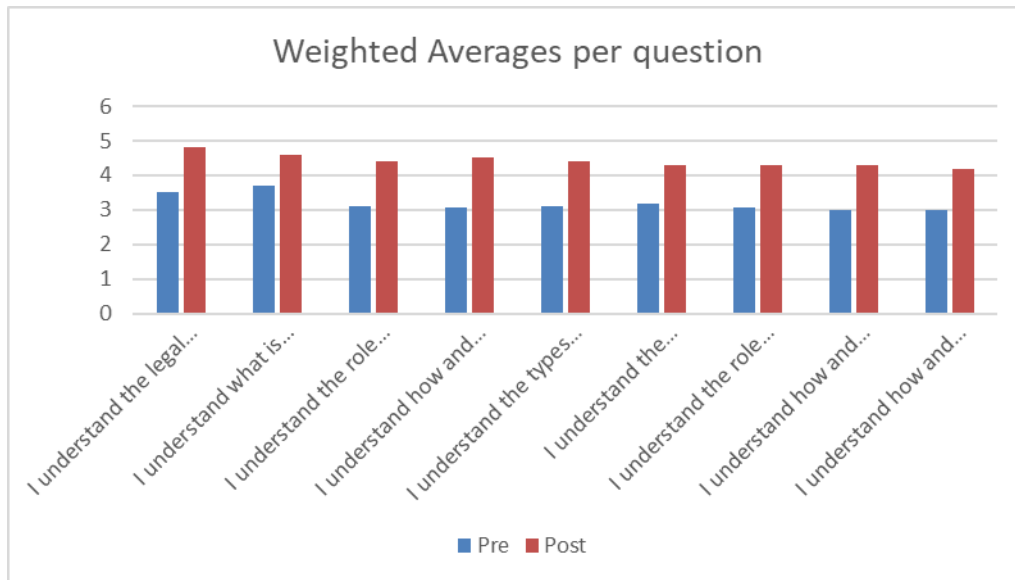
The comparison of pre-survey and post-survey results demonstrated a significant increase in participants' knowledge. The post-survey results indicated that the two-hour session substantially enhanced their comprehension of the UN CAT and the legal definition of torture. The training session successfully achieved its learning objectives.

One participant highlighted the workshop's success by stating, *"The workshop met all my expectations. I learned a lot about the UN and the legal definition of torture."*

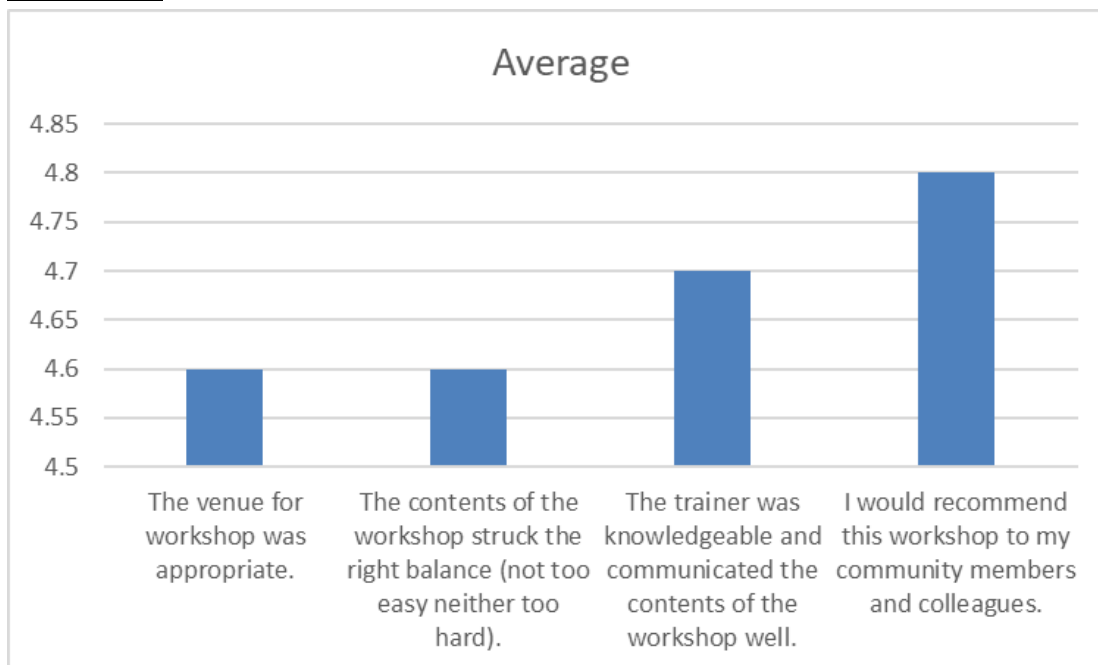
Many participants expressed a strong interest in further training, particularly on the Universal Periodic Review (UPR) and the UN Optional Protocol to the Convention Against Torture (OPCAT). This feedback suggests a continuing need for more in-depth sessions on these critical areas.

The post-survey results also showed that participants felt more confident in their ability to apply the knowledge and skills gained during the training.

Overall, the survey results and participant feedback highlight the success of the training session in enhancing participants' knowledge and skills. They also provide valuable insights for future training sessions, particularly the demand for more detailed training on the UPR and OPCAT processes.



Satisfaction



UN Anti-torture Mechanisms Workshop: Evaluation Post Survey

	STRONGLY AGREE	AGREE	NEITHER AGREE/DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
I understand the legal definition of torture.	80.00% 8	20.00% 2	0.00% 0	0.00% 0	0.00% 0	10	1.20
I understand what is meant by 'other cruel, inhuman or degrading treatment or punishment'.	60.00% 6	40.00% 4	0.00% 0	0.00% 0	0.00% 0	10	1.40
I understand the role of UN CAT Committee.	50.00% 5	40.00% 4	10.00% 1	0.00% 0	0.00% 0	10	1.60
I understand how and when to engage in the Periodic Review Process.	60.00% 6	30.00% 3	10.00% 1	0.00% 0	0.00% 0	10	1.50
I understand the types of information that are relevant to the UN CAT Committee.	50.00% 5	40.00% 4	10.00% 1	0.00% 0	0.00% 0	10	1.60
I understand the purpose of the UN Optional Protocol to the convention against Torture (OPCAT).	40.00% 4	50.00% 5	10.00% 1	0.00% 0	0.00% 0	10	1.70
I understand the role of the UN Subcommittee on Prevention of Torture (UN SPT) and National Preventative Mechanism (NPM).	40.00% 4	50.00% 5	10.00% 1	0.00% 0	0.00% 0	10	1.70
I understand how and when to engage with the UN Subcommittee on Prevention of Torture (UN SPT) on a country visit.	40.00% 4	50.00% 5	10.00% 1	0.00% 0	0.00% 0	10	1.70
I understand how and when to engage with the National Preventative Mechanism (NPM) and Australian Human Rights Commission in its inspection activities.	30.00% 3	60.00% 6	10.00% 1	0.00% 0	0.00% 0	10	1.80

UN Anti-torture Mechanisms Workshop: Evaluation Pre-survey

	STRONGLY AGREE	AGREE	NEITHER AGREE/DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL	WEIGHTED AVERAGE
I understand the legal definition of torture.	23.53% 4	29.41% 5	29.41% 5	11.76% 2	5.88% 1	17	2.47
I understand what is meant by 'other cruel, inhuman or degrading treatment or punishment'.	17.65% 3	47.06% 8	29.41% 5	0.00% 0	5.88% 1	17	2.29
I understand the role of UN CAT Committee.	11.76% 2	29.41% 5	23.53% 4	29.41% 5	5.88% 1	17	2.88
I understand how and when to engage in the Periodic Review Process.	5.88% 1	29.41% 5	35.29% 6	23.53% 4	5.88% 1	17	2.94
I understand the types of information that are relevant to the UN CAT Committee.	5.88% 1	35.29% 6	29.41% 5	23.53% 4	5.88% 1	17	2.88
I understand the purpose of the UN Optional Protocol to the convention against Torture (OPCAT).	11.76% 2	35.29% 6	17.65% 3	29.41% 5	5.88% 1	17	2.82
I understand the role of the UN Subcommittee on Prevention of Torture (UN SPT) and National Preventative Mechanism (NPM).	5.88% 1	35.29% 6	23.53% 4	29.41% 5	5.88% 1	17	2.94
I understand how and when to engage with the UN Subcommittee on Prevention of Torture (UN SPT) on a country visit.	5.88% 1	29.41% 5	29.41% 5	29.41% 5	5.88% 1	17	3.00
I understand how and when to engage with the National Preventative Mechanism (NPM) and Australian Human Rights Commission in its inspection activities.	5.88% 1	29.41% 5	29.41% 5	29.41% 5	5.88% 1	17	3.00

8. Conclusion

The workshop on June 26, 2024, successfully met its objectives of enhancing the knowledge and skills of refugee and migrant community representatives regarding the UNCAT. The participants' active engagement and positive feedback highlighted the program's impact and revealed a strong interest in further training on the Universal Periodic Review (UPR) and the UN Optional Protocol to the Convention Against Torture (OPCAT). The workshop fostered a supportive network among diverse community leaders. This session continued the STARTTS/DTP collaboration and reinforced the continued need for such programs, providing valuable insights and laying the groundwork for future training initiatives.