

15 January 2003

Ms Janet Holmes
Secretary
Human Rights Sub-committee
Joint Standing Committee on Foreign Affairs Defence and Trade



Dear Janet

Please find enclosed the submission of the National Committee on Human Rights Education Inc to the Parliamentary Inquiry on Human Rights and Good Governance Education within the Asia-Pacific Region.

We take this opportunity to reiterate once again the gratitude of the National Committee on Human Rights Education for the generous support of the Human Rights Sub-committee for the Citizenship of Humanity Project which was launched at Parliament House on 10 December 2002.

In commending this submission to your attention we particularly wished to urge the Sub-committee to include in its public hearings meetings with interested parties in Perth. We believe that there would be considerable interest in Perth in the opportunity to participate in such hearings, including from Western Australian based members of the National Committee including myself, Chief Justice David Malcolm, and Pat Dodson. In addition we believe it would be of great value for the Sub-committee to consult with Professor Jim Ife, the newly appointed Chair of Human Rights Education based at Curtin University. Other agencies and individuals with which the Sub-committee might meet include Dr Jan Ryan, in regard of the Human Rights City project in Perth, the Citizenship and Anti-racism programs in the WA Premier's Department. We would be happy to seek to identify a list of individuals we feel may make a valuable contribution to the deliberations of the Sub-committee.

We thank the Sub-committee for the opportunity to make this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Eric Tan". The signature is fluid and cursive, extending across the width of the page.

Dr Eric Tan AM
President
National Committee on Human Rights Education Inc

A FAIR GO FOR ALL
NATIONAL COMMITTEE ON HUMAN RIGHTS EDUCATION

**Submission
Of the National Committee on Human Rights
Education Inc.**

**To
The Joint Standing Committee on
Foreign Affairs Defence and Trade
Human Rights Sub-Committee**

**PARLIAMENTARY INQUIRY INTO
HUMAN RIGHTS AND GOOD GOVERNANCE
EDUCATION
IN THE ASIA-PACIFIC**

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List of Recommendations

Recommendation A1: That the Australian Government be asked to contribute, on a dollar for dollar basis, to the funding of the establishment of a National Centre for Human Rights Education, under the auspices of the National Committee on Human Rights Education and the Australian Human Rights Education Fund.

Recommendation A2: That the Australian government be encouraged to work for the establishment of a 2nd United Nations Decade for Human Rights Education by advocacy of a 2nd Decade to likeminded governments and the Office of the High Commissioner for Human Rights and the sponsoring a United Nations Commission on Human Rights and General Assembly resolution establishing a 2nd Decade to immediately follow the end of the first.

Recommendation A3: That AusAID be encouraged to include promotion of press freedom within good governance initiatives.

Recommendation A4: That human rights education be included as a specific agenda item of human rights consultations with bilateral dialogue partners.

Recommendation A5: That assessment of the progress of human rights dialogues include the extent to which human rights education has been advanced within the territory of the dialogue partner.

Recommendation A6: That the Australian government host a national policy consultation, inviting representatives of relevant federal and state government agencies, and civil society representatives to consult on the steps that need to be taken to pursue human rights education within our country.

Recommendations Adopted from Outcomes of: *Dignity, Democracy, Equality: National Strategic Conference on Human Rights Education*

The recommendations which are set out below are drawn from the wealth of information, perspective and experience shared at Dignity, Democracy, Equality, the Executive Summary of which is attached.

General

1. That there be planned, funded and implemented a national human rights education public awareness campaign over national media to influence attitudes towards human rights as per notably successful campaigns which have influenced traffic practices (e.g. drink driving, use of seat belts).

The Workplace

2. That the National Committee on Human Rights Education host a follow up forum specifically on human rights education in the workplace.

Teacher Training and Curriculum Development

3. That Discovering Democracy be extended both in terms of teacher training and implementation within the classroom context.
4. That human rights education be incorporated into all levels of Discovering Democracy
5. That the National Committee on Human Rights Education extend its efforts to promote human rights education in the formal education system: including through fostering interaction across thematic boundaries.
6. That the relationship between human rights education, values education and other related educational endeavours be explored.
7. That Education Departments be encouraged to develop specific arms of endeavour pursuing human rights education in the context of the United Nations Decade for Human Rights Education.

Journalism and the Media

8. That professional bodies and tertiary schools of communication explore the development and implementation of programs of human rights education for journalists in Australia.
9. Dialogue should be pursued with the Press Council in terms of issues relating to human rights education.

Human Rights Institutions

10. That human rights institutions (HRIs) examine how they can play a greater leadership role in regard of human rights education.
11. That HRIs develop programs to target institutionalized discrimination that it is difficult to address by means of individual complaint mechanisms.
12. That HRIs establish a national coordination council such as “an Australian Council of Human Rights Institutions” with the aim of fostering increased collective programs advancing shared objectives of human rights institutions in Australia
13. That HRIs collaborate in the preparation of an annual status report on human rights in Australia at all levels.
14. That HRIs consider carrying out joint public information campaigns, to increase the effectiveness of public education campaigns.
15. That the legislative mandates of HRIs be reviewed and extended to include general responsibility for the pursuit and promotion of human rights education, where this is not now the case.

16. That HRIs work more closely with the NGO community e.g. through hosting annual consultation on human rights with relevant community organizations.

Community

17. Greater independent funding of community organizations is required in Australia to increase the reach of their advocacy work.
18. That work of human rights organizations should be made fully tax deductible as an evident social good: as in the case of environmental advocacy organizations.

Schools and Universities

19. That universities around the country consider the establishment of centers of research and scholarship devoted to the advancement of human rights education.
20. That the National Committee host a follow up forum exploring in more detail the work of the formal education sector at primary and secondary level as it relates to human rights education.
21. That human rights law be made a compulsory subject in all law schools in Australia
22. That human rights issues be mainstreamed across legal disciplines in law school teaching.

The Judiciary

23. That the Australian Institute of Judicial Education and the National Judges College examine the inclusion of human right education in curricula and programs which they provide

The Legal Profession

24. That Law Societies be asked to examine continuing professional education and other mechanisms to encourage the integration of human rights techniques in legal practice and in terms of public educational activities of the legal profession.

Government

25. That all governments, federal, state and local be encouraged to adopt comprehensive human rights education policies in pursuit of the United Nations Decade for Human Rights Education
26. That all government departments at federal and state level review the provision of human rights education to staff: particularly those departments having significant responsibilities relating to the protection of human rights embodied in international human rights treaties.
27. That government agencies review consultative procedures to promote their consistency and citizen access to decision making across portfolios.

28. That the government approves the tabling of Australian reports to the United Nations before parliament to foster public understanding and debate of human rights issues.
29. That the National Committee pursue discussions with the Australian Local Government Association to encourage the role of local governments in human rights education.
30. That the National Committee commend and encourage the Human Rights City concept.
31. That State governments be encouraged to collaborate in the fields of civics and human rights education.

Parliament

32. That every State and Territory Parliament establish a Human Rights Committee to consider human rights questions arising before that parliament.
33. That the mandate of the Federal Parliamentary Sub-committee on Human Rights be extended to explicitly include domestic human rights issues.
34. That community organizations take up the invitation from the Parliamentary Sub-committee on Human Rights to offer their input on issues arising in the Commission on Human Rights, or in regard of Treaties processes.

Introduction

The National Committee on Human Rights Education (NCHRE) warmly welcomes the Parliamentary Inquiry into Human Rights and Good Governance Education in the Asia-Pacific.

The NCHRE is Australia's focal point for the UN Decade for Human Rights Education (1995-2004).

We wish to congratulate the Human Rights Sub-committee on holding this inquiry, which in itself is an important contribution to activities for the Decade.

While our submission makes a range of recommendations, each of which we commend to the Sub-committee, there are two recommendations in particular which we wish to highlight. The first we believe is critical if human rights education Australia is to be taken to the next level, and so provide a springboard to enable Australia to better fulfill its potential in human rights and good governance education and promotion of fair and sustainable political and economic development in the Asia-Pacific. The second is, we believe, a critical underpinning for further advancement of human rights education in the Asia-Pacific, as well as globally.

Recommendation A1: That the Australian Government be asked to contribute, on a dollar for dollar basis, to the funding of the establishment of a National Centre for Human Rights Education, under the auspices of the National Committee on Human Rights Education and the Australian Human Rights Education Fund.

Recommendation A2: That the Australian government be encouraged to work for the establishment of a 2nd United Nations Decade for Human Rights Education by advocacy of a 2nd Decade to likeminded governments and the Office of the High Commissioner for Human Rights and the sponsoring a United Nations Commission on Human Rights and General Assembly resolution establishing a 2nd Decade to immediately follow the end of the first.

The first recommendation, explored in more detailed below, proposes support for the establishment of a National Centre for Human Rights Education. It is proposed that the NCHRE sponsor the establishment of such a Centre with capital funding sufficient to enable the Centre to operate for an initial ten year period sourced, on a dollar for dollar basis, from government and private sources. The Centre would work to significantly advance human rights education within Australia, and also to foster Australia's contribution to human rights education in the region.

The second recommendation addresses the critical importance of a continuing United Nations focus on human rights education at an undiminished level in the period following the end of the first Decade. The first Decade has served as a powerful catalyst at

international, regional and national level, for both governments and civil society organizations, to encourage activities in the field of human rights education. A second Decade would ensure continued focus at international (and thus regional and national) level on the pursuit and encouragement of human rights education and enable further progress towards human rights education to be made. It would represent a commitment of the international community (including the United Nations, governments and civil society) to continue to pursue human rights education to further achieve the aims of the first Decade. Australia, as a lead sponsor of the human rights education resolution at the United Nations General Assembly, can play a key role in ensuring a 2nd Decade is established.

In addition to these recommendations, the National Committee wishes to commend to the Human Rights Sub-committee, the recommendations arising from the *Dignity, Democracy, Equality: National Strategic Conference on Human Rights Education*. These recommendations address the current state of play of human rights education in a variety of Australian sectors and identify specific measures that respond to that state of play. These recommendations are set out above and the Executive Summary to the Conference appears as Appendix 2 to this Submission.

Work of the National Committee on Human Rights Education

As further background we wish to set out some of the work of the National Committee on human rights education which provides the context for our views and recommendations.

The National Committee is composed of 23 Australians, many with distinguished records of public service, who are committed to an Australia that values, respects and upholds human rights through education for all members of the community. A list of our members appears at Appendix 1. The National Committee itself is an independent association dedicated to promoting and extending human rights education in all its forms. It was established with the support of government, business and community groups.

The National Committee is currently in the process of planning a conference for next year to further work in the human rights education field. The theme of the conference is "Human Rights: New Paradigms, New Responsibilities". The conference is planned for next spring and will include both Australian and regional experts. Agencies to be invited will include representatives from countries of South, South East and East Asia. The sub-themes of the conference will include

- Moving forward with human rights education in Australia and the region; and
- Interfaith conflict prevention and resolution in the context of religious teachings on human rights and human rights education.

Among activities of the National Committee have been:

- Co-hosting an international conference on human rights with Curtin University of Technology (December 2000)

- Supporting the establishment of Australia's first Chair of Human Rights Education at Curtin University. Professor Jim Ife was announced on human rights day 2002 as the inaugural holder of the Chair. Professor Ife has a distinguished academic record in the social work field where he has particularly pioneered a social work approach to human rights issues.
- Encouraging SBS Radio to host a week of human rights programming during Human Rights Week 2001
- Hosting a National Strategic Conference on Human Rights Education in Canberra on 23 August 2002. The Executive Summary of Proceedings and Recommendations from the Conference are attached, and provide a wealth of detail relating to human rights education in Australia.
- Developing a national network of state and territory human rights education associations and entities.
- Establishing Australia's first and only tax-deductible fund for human rights education.
- On 10 December 2002, with the kind support of the Sub-committee on Human Rights, officially launched the "Citizenship of Humanity Project", which aims to carry out a national project to promote awareness of the Universal Declaration of Human Rights among final year primary students and more widely.
- Carrying out a study of human rights education in China, with the assistance of the China Society for Human Rights Studies based in Beijing and attending and contributing to an Australian voice at an international conference on "Oriental Civilisation and Human Rights" hosted by the Society in 2002. Reports of these visits are enclosed and again are pertinent to the terms of reference of this inquiry.
- Supporting the "Australia is Refugees" project of Australians Against Racism by contributing to the 2nd Prize for the competition.

In addition to the foregoing

- The Victorian Human Rights Education Committee has undertaken a range of initiatives including the establishment of a state database on human rights education which is receiving input from Victorian government departments
- The NSW Human Rights Education Committee has undertaken similar initiatives including promoting human rights education prior to the last federal election. All major parliamentary parties reported to them their support of human rights education policies.
- Among the activities of the ACT Human Rights Education Association Inc has been the active support of community consultation on a proposed ACT Bill of Rights including hosting the first public forums for such consultation on Human Rights Day 2001.

The achievements outlined above have been carried out with very little dollar funding. However the achievements represent the dividend that has been gained from the philosophy pursued by the National Committee of fostering partnership approaches with government, civil society and business. Among agencies that should be mentioned as having contributed in this way are the Parliamentary Sub-committee itself, the Federal Attorney-General's Department, Curtin University of Technology, SBS Radio and Rio Tinto Inc. We are also pleased to note that the Parliamentary Education Office has

agreed to undertake a program of promoting human right education through its education services provided to visiting students.

While we envisage that such cooperative endeavours will continue in to the future it is clear that the acceleration of human rights education activities within Australia requires the funding of an agency such as a National Centre for Human Rights Education, whose mandate will be specifically focused on catalyzing human rights education work around Australia. At a minimum such an agency will require a permanent secretariat, funding to carry out research and to award fellowships to the most outstanding Australian academics carrying out work in the field of human rights education.

The Role of Human Rights and Good Governance Education in the Promotion of Fair and Sustainable Social, Political and Economic Development

The United Nations has described human rights education as “essential”. At the World Conference on Human Rights in 1993, human rights education was a focus of discussion and a significant number of outcomes of the World Conference related to human rights education.

The World Conference noted that human rights education and public information is “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.” It is a conclusion of particular relevance in light of current world developments, where ideologies of hatred have played such a destabilizing role in the international community.

Moreover the World Conference on Human Rights reaffirmed that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference called for the integration of human rights education into education policies at national and international level.¹

The pursuit of human rights education is thus both a matter of national interest and of national duty. To underline the positive role that human rights education can play, we need only consider the destructive role of education directed to promoting hatred and intolerance. While it would be wrong to isolate one set of events from a broader environment, it is clear from a review of recent terrorist incidents which has brought suffering to innocent people in both developed and developing countries, that education was seen as a key tool to recruiting and inculcating attitudes of intolerance and hatred which could in due course be converted into violent actions. The promotion of human

¹ Vienna Declaration and Program of Action, para 33

rights education in the region, with its emphasis on peace and acceptance between cultures, nations and individuals, is without doubt a key response to such extremism.

While education was envisaged from the time of the Universal Declaration itself, as playing a critical role in the promotion and protection of human rights, it is a methodology which until recently was not greatly emphasized at international and national level in many countries. This is a pattern however which is now changing due to the catalytic effects of the United Nations Decade of Human Rights Education which has resulted in human rights education programs in a number of countries, including those in the Asia-Pacific.

Perhaps the example of China is an interesting one as it highlights that the seeds of human rights education have taken firm hold and have contributed to significant policy and program developments. Human rights education has the advantage of appealing to governments as a suitable means to pursue human rights.

As part of the National Committee's July 2002 visit (see attached reports), members of the National Committee met with representatives of the Chinese Ministry of Education. Information provided by the Ministry included an outline of measures being taken in pursuit of human rights education. These included the undertaking of human rights education study tours throughout the region, the introduction of human rights education curricula, human rights education training requirements for teachers, minimum hours of human rights education teaching. The programs were being undertaken in cooperation with the United Nations High Commission for Human Rights, which has signed a Memorandum of Understanding with China on human rights issues, including human rights education. It is notable that Chinese officials themselves, having visited Australia, were able to suggest that Chinese programs in the educational field were in many ways in advance of developments in Australia.

China offers thus a case study in the Asia-Pacific where human rights education is playing a significant role in opening pathways for promotion and protection of human rights.

Good Governance Education

“Good governance” is of course an important aspect of the promotion and protection of human rights – given the critical role that the allocation of public resources can play in the realization of human rights of individuals both in the civil and political field and in the economic, social and cultural field. Good governance includes a complex of ideals associated with proper, accountable and ethical governance, whose absence is seen as deleterious to the welfare of the citizens who are the intended beneficiaries of that governance.

Corruption, which plagues good governance is mainly a product of two issues in Asia/Pacific: topping up normal remuneration 'for services rendered'- bribery in whatever form it appears - and systems of patronage (such as “one-talk”) rewarding

affiliation rather than merit. As a result promotion on merit or recognition for services properly rendered are the exception rather than the rule and human rights prejudiced. Neither issue might be considered normal components of human rights education but are critical in the present environment and need to be stressed not as a product of "western values" but as measures to protect the human individual.

The theme of good governance is of course, also closely connected to the issue of development assistance, with the linking of "good governance" outcomes to such assistance as a prominent theme of development philosophy in recent years. It is a philosophy which overlaps but does not correspond precisely to the idea of a "rights based approach to development". Such an approach has been pioneered by agencies such as the Human Rights Council of Australia and is now integral to the development approaches of a number of civil society organizations (e.g. Oxfam International) and governments.

In respect of this broad debate it appears to the National Committee to raise the same kinds of issues that arise from time to time within the human rights education field. Namely the reticence among many to explicitly utilize human rights language in pursuing what are human rights goals. This reluctance of course has a deleterious effect from an educational point of view – it results in a society invisibility of human rights and deprives members of the public of the opportunity to broaden their understanding of human rights themes. The reluctance is often born of an assessment that there may be resistance because of fear that human rights will be seen as controversial. Of course the approach cedes the very ground that must be won in building a society that fully respects and promotes human rights. It moreover has practical implications. In the aid context for instance, the elaboration of a rights based approach to development implies an institution wide focus on understanding and assessing poverty eradication, including issues such as unemployment, in human rights terms.

This said the National Committee regards Good Governance education as a complement to human rights education and something that should be pursued in its own rights.

In terms of defining what "good governance" means we return to the human rights based approach. Governance which results in, or permits, the violation of human rights is by definition bad or "not good" as the purpose of government is the protection and promotion of the rights of the people. Human rights understandings thus must be at the core of good governance.

Education can play a key role in empowering government officers to protect human rights. In this context the National Committee believes the extension of such education is critical. Within Australia it is notable that there is an absence of comprehensive human rights educational programs for government officials at Federal level. This undoubtedly represents a key weakness in the capacity of the government to deliver on human rights commitments. Currently human rights education is limited to a small number of Federal departments and does not extend to all officials, for instance the programs implemented by the Department of Foreign Affairs and Trade.

As noted by Senator Marise Payne, the Parliamentary Sub-Committee on Human Rights has previously recommended the introduction of widespread human rights education for government officials.²

In regard of human rights education for government agencies the National Committee feels that it would be shirking its responsibilities if it did not here refer specifically to the Department of Immigration. In raising this point we wish to distinguish between policy choices and migration outcomes, which are the legitimate discretion of government – and the observance of human rights which are mandatory requirements applying to all citizens whether playing a role in government administration or not. The consistency and sustained nature of criticism directed towards immigration issues, currently part of public debate in Australia, points to an inability to adopt policy frameworks which achieve immigration outcomes in a manner respecting fundamental human rights. The implementation of programs of human rights education within the department would serve to provide officers with the necessary knowledge base to address in a constructive manner legitimate issues which are sadly subject of unresolved conflict within the Australian political system.

Good Governance and Freedom of the Press

While in thinking of governance we tend to focus on governmental institutions, it is clear that there is an important if not integral nexus between the good governance and a free media. Generally we may note that freedom of the press is under constant pressure. It is important that journalists throughout the region are given as free and open access as possible to Government and allowed without restraint to publish and debate matters of public policy. Their views should be distributed without censorship in local languages/dialects to local communities. It is notable in this respect that AusAID's definition of good governance, while including issues such as economic and financial management, law and justice, public sector effectiveness and civil society, does not explicitly address the role of the media.

Recommendation A3: That AusAID be encouraged to include promotion of press freedom within good governance initiatives.

² Presentation by Senator Marise Payne, Chair Human Rights Sub-Committee to the *Dignity, Democracy, Equality Conference* 23 August 2002. "In a series of recommendations concerned with human rights training, it [the Sub-committee] acknowledged the Department of Defence's efforts in human rights training but urged it to upgrade and expand it ... The Sub-committee commended the Foreign Affairs Department's intention (long since implemented) to institute a comprehensive course of human rights ... It also recommended that other departments affected by obligations under international treaties on human rights should also offer suitable and comprehensive training."

Australia's Involvement in Human rights and Good Governance Education in the Asia Pacific region Identifying Achievements and Obstacles to further progress;

Work within the Region: Outside Australia

There is no doubt that Australia is one of the more active players in terms of human rights education at regional and international level. Notably Australia is one of the two key sponsors of the UN General Assembly resolution supporting United Nations activities. The importance of UN activities is discussed below against the relevant term of reference.

We are aware of Australia pursuing human rights education in the region through three sets of mechanisms:

- a. regional arrangements for human rights under United Nations auspices, consisting of meetings and resolutions of governments on human rights arrangements for the Asia-Pacific region (see below)
- b. work of the Asia-Pacific Forum of National Human Rights Institutions, in which Australia has played a key role.
- c. Bilateral work with selected governments in the region.

Australian diplomacy played a key role in the establishment of the Asia-Pacific forum and its secretariat remains based in Australia at the offices of the Human Rights and Equal Opportunity Commission. As human rights institutions generally carry statutory responsibilities in the field of human rights education (as well as in related human rights fields) the existence and effectiveness of a regional body is of key importance. The National Committee feels that it is important that support of the Forum continue, particularly from governments of the region.

In respect of bilateral work, reference may be made to the work of the Human Rights and Equal Opportunity Commission through its program of bilateral technical assistance with China, which is also supported by AusAID. Among the activities undertaken through such work are included: police ethics and accountability training, criminal procedure training, judicial training, family violence in minority regions, human rights training for officials, women's rights through publicity and training activities, training on international human rights instruments, various study visits. These technical assistance programs arise as a result of the bilateral human rights dialogues pursued jointly by China and Australia.

Bilateral dialogue is an important aspect of Australia's human rights diplomacy and as can be seen in the China example, can have a positive effect on human rights education and human rights more generally. Each particular set of dialogues will however respond to its own particular circumstances. For instance Australia is also pursuing dialogues with Vietnam and most recently with Iran. From the point of view of human rights

education it will be important that such dialogues be assessed for their impact on human rights education. Have such dialogues appreciably advanced human rights education within the territory of the dialogue partner? More specifically the National Committee believes that human rights education should be included as a specific agenda item for such dialogues. For instance, the most recent dialogue with China included discussion of human rights education issues. Of course the same point may be made in respect of human rights more generally: measures of the value of human rights dialogues must be grounded in appreciable effects advancing the status of human rights in the relevant dialogue partner.

Recommendation A4: That human rights education be included as a specific agenda item of human rights consultations with bilateral dialogue partners.

Recommendation A5: That assessment of the progress of human rights dialogues include the extent to which human rights education has been advanced within the territory of the dialogue partner.

Work Within the Region: Australia

At the national level it is worthwhile quoting from the September 1996 report of the Department of Foreign Affairs and Trade on the Australian Government's International Human Rights Policy and Activities 1994-5, the report states:

'121. The situation in Australia can be characterised as one where there is a generally high level of awareness about human rights, but a low level of understanding of the concepts underpinning the international human rights framework, the content of international human rights instruments and the treaty body system which monitors the implementation of these instruments. Similarly, although there is a wide variety of educational activities in Australia on issues such as non-discrimination, tolerance, cultural diversity, ethics and social justice, there is no coherent national program of human rights education.'

This report, written at the commencement of the United Nations Decade for Human Rights Education remains largely applicable as a description of human rights education in Australia.

On 23 August 2002 the National Committee on Human Rights Education hosted the *Dignity, Democracy, Equality – National Strategic Conference on Human Rights Education*. This conference brought together a wide variety of experts and practitioners from government and civil society, whose work bears on human rights education. In summary the presentations at the conference highlighted both the existence of important and significant human rights work and the absence of any overall national coordination in human rights education. Compounding this lack of coordination is the absence of comprehensive and up to date bodies of data analyzing the state of human rights

education in the country. The lack of such data is a critical weakness in efforts to carry forward human rights education initiatives. In addition the conference provides insights to two ways in which we may look at such questions. One approach is to emphasize the generally egalitarian nature of our society and to look to our human rights achievements as the underpinnings and strength of human rights in our country. Another approach asks the question as to the extent to which the Australian public is familiar with and supportive of human rights. Here indicators may be referred to of absence of such familiarity or of a general climate of uncertainty and suspicion about human rights issues within the Australian community.

Nonetheless a review of the programs of human rights education reflected in the presentations made at the conference also provides a sense of the extent of human rights education occurring in Australia through discrete programs pursued at sectoral level. There is not space here to canvass all these programs, but a summary of them is attached. The programs do however demonstrate the depth and diversity of human rights education work occurring in our community.

A reflection on the variety of perspectives presented at the conference, whether from government, academia, teachers, civil society, media, judicial or other disciplines, highlights also that in every sector as well as generally more needs to be done to advance human rights education within Australia. There was a consensus that human rights education in Australia needs to be progressed. It is notable that at the conference the Federal Attorney-General Daryl Williams affirmed the responsibility of government to develop policies that foster human rights education and encouraged partnership between government, business and civil society in pursuit of the aims of the United Nations Decade for Human Rights Education.

The recommendations from the conference which form part of the Executive Summary and Recommendations (attached) are commended to the Sub-committee as recommendations to be considered in the context of the current inquiry.

As has been highlighted at the outset to this submission the National Committee particularly wishes to propose the establishment of a National Centre for Human Rights Education in Australia. The National Committee envisages such as Centre as playing both a national and regional role and in particular as addressing the current absence of resourcing sufficient to enable the kind of coordination that is required if greater progress is to be made in fulfilling the aims of the United Nations Decade for Human Rights Education. This recommendation reflects what the National Committee identifies as a key obstacle to further progress on human rights education in Australia: that is the insufficiency of financial resources for the task.

Such as Centre would at a minimum require a budget of \$300,000 per annum, or a capital fund of \$5,000,000 to enable its operations to be realistic. The National Committee will be putting forward a proposal around the establishment of such a Centre which will seek dollar for dollar contribution from government and private sources. It is envisaged that

such a Centre will operate in conjunction with a major Australian university, and that universities will be invited to tender for siting of the Centre within their ambit.

The role of the Centre will be to act as a focus for scholarship, research and consultation for human rights education in Australia, with a significant outreach to the Asia-Pacific. In regard of the former the National Committee envisages such as Centre as potentially working closely with the new Chair of Human Rights Education at Curtin University – but with a particular mandate of outreach and cross-fertilisation of human rights education efforts occurring in Australia and the region. In regard of the latter the National Committee has already received feedback from representatives of NGOs and other human rights institutions that such an initiative by Australia would be welcomed.

Because of the underlying strength of the Australian human rights tradition Australia has the opportunity to lead in human rights education in the region. To do this properly we believe that the appropriate infrastructural support is essential through the establishment of a National Centre. Such a Centre will enable the attraction of sponsorship to recognize people who have made contributions in the human rights field, facilitate the exchange of scholars and post graduate students, foster the establishment of strategic alliances and partnerships and provide a coordinating center to support community groups engaged in human rights education. Such a Centre will contribute also fostering government policy development and implementation of initiatives in the field of human rights education.

See Recommendation A1 above.

The Involvement of the UN and other International and Regional Government and Non-government Organisations in Promoting Human Rights Education and Good Governance in the Asia Pacific Region

The United Nations has played a catalytic role in promoting human rights education through UN Decade for Human Rights Education (1995-2004). As has been noted above the World Conference on Human Rights in 1993 affirmed the essential character of human rights education. Pursuant to these conclusions the United Nations General Assembly established the United Nations Decade for Human Rights Education as a focus for initiatives to pursue human rights education.

At a global level the Office of the United Nations High Commissioner for Human Rights has produced basic materials which give definition and content to the Decade. These materials include a Plan of Action for the Decade and Guidelines for the pursuit of human rights education at international, regional, national and local level. They also include a variety of materials supporting human rights education such as model curricula.

UN Guidelines and Plan of Action

The UN guidelines for the Decade for Human Rights Education produced by the Office of the UN High Commissioner for Human Rights define human rights education as:

training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes, which are directed towards:

- (a) The strengthening of respect for human rights and fundamental freedoms;*
- (b) The full development of the human personality and the sense of its dignity;*
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;*
- (d) The enabling of all persons to participate effectively in a free society;*
- (e) The furtherance of the activities of the United Nations for the maintenance of peace (see A/51/506/Add.1, appendix, para.2)*

Noting the role of human rights education in promoting the observance of human rights, the Guidelines identify three dimensions of human rights education:

- (a) Knowledge: provision of information about human rights and mechanisms for their protection;*
- (b) Values, beliefs and attitudes: promotion of a human rights culture through the development of values, beliefs and attitudes which uphold human rights;*
- (c) Action: encouragement to take action to defend human rights and prevent human rights abuses.*

The principles of human rights education suggested by the guidelines flow from international human rights instruments and include:

- a. recognition that human rights education is itself a human rights
- b. promotion of the universality, interdependence and indivisibility of all human rights
- c. encouragement of analysis of human rights problems
- d. promotion of non-discrimination on the basis of race, class, gender, religion etc.
- e. promotion of non-discriminatory conduct and language and respect for diversity of opinion.

The guidelines also suggest a series of steps towards implementation of a national plan of action for human rights education such as:

- A. Step 1: establishing a national committee for human rights education
- B. Step 2: conducting a baseline study
- C. Step 3: setting priorities and identifying groups in need
- D. Step 4: developing the national plan
- E. Step 5: implementing the national plan

F. F. Step 6: reviewing and revising the national plan

Each of these proposed elements is defined in some detail – and they thus provide a basis for assessing overall development towards a national response to the UN Decade.

The guidelines that accompany the UN Plan of Action for the Decade also provide a useful source of ideas relating to human rights education.

Both the Guidelines and the Plan of Action are available at the UN human rights website www.unhchr.ch

As part of the Decade the Office of the United Nations High Commissioner for Human Rights maintains organizational focus on promotion of human rights education through a variety of programs and initiatives.

There is no doubt of the significant influence of these activities in catalyzing and shaping initiatives for human rights education at all levels. The Decade has provided a focus for activities previously occurring in a more ad hoc fashion. Through activities such as the mid-term review of the United Nations Decade, the UN promoted a strategic global focus on human rights issues and supported activities of civil society organizations through the Human Rights Education Associates program. For instance in the lead up to human rights day this year, the UN Office cooperated with HREA to undertake a global consultation of civil society organizations on progress towards the aims of the United Nations Decade.

UN-Mid Term Review of Activities under the United Nations Decade for Human Rights Education

The general findings of the UN mid-term review carried out in 2000 are of relevance to this inquiry. In broad terms those findings are summarized by one of the closing paragraphs of the report:

“The evaluation ... reveals that effective national strategies for human rights education have very rarely been developed ... National and local actors have contributed greatly towards the achievement of the goals and objectives of the Decade. As indicated above, the Decade has been a catalyst in eliciting a response from Governments but the response has been uneven and clearly much more needs to be done. Both the United Nations and its Member States have repeatedly recognized the invaluable contribution of non-governmental organizations to human rights education. The present review reconfirms that non-governmental organizations are key actors in that field, and that the Decade is slowly but increasingly proving to be a catalyst and an umbrella for their efforts. There is a growing need, however, for increased collaboration and coordination between governmental and non-governmental actors in respect of their human rights education activities.”³

³ UN Doc. A/55/360

Asia-Pacific Regional Arrangements

Of specific relevance to the Asia-Pacific has been the adoption by Asia-Pacific governments, in the context of the Asia-Pacific Regional Arrangements for Human Rights of a framework for regional cooperation in human rights, including technical assistance from the United Nations. In 1998 governments of the Asia-Pacific region adopted conclusions and a plan of technical cooperation in four areas including that of human rights education.⁴ Human rights education has continued to feature as a theme of activities in the region pursuant to this framework. Regional and sub-regional workshops on human rights education and human rights were held in Japan⁵ and Beijing⁶ in January and March 2000 respectively. The Japan workshop noted human rights education as one of four priority areas for the Asia-pacific region and part of a building block approach towards a regional human rights arrangement.⁷

The workshop stated that human rights education must reflect a balance between rights and responsibilities. The workshop also recognised the importance of national plans of action in human rights education. The workshop also recognised that human rights education for those involved in the administration of justice is a priority area for countries of the region. The Beijing workshop dealt with human rights education as one of the regional human rights elements and identified elements such as that human rights education should include all elements of human rights and that human rights education in the administration of justice should be regarded as a priority area. At the national level, the Beijing workshop called for technical cooperation and advisory services to support the development of national plans for human rights education and for the development of sector-based human rights education projects.

The program of cooperation between the United Nations and China cited above is a specific example of a program of human rights education within the region, pursued as a result of this framework. The UN and China concluded a Memorandum of Intent in September 1998 which was followed by the signing of Memorandums of Understanding in 2000, and the adoption of an agreed note in 2002, continuing activities under the Memorandum. Among the objectives of the program are implementation of international treaties, promotion of the rule of law, and mutual understanding of human rights. The MOU addresses administration of justice, human rights education, legal development, the right to development and economic social and cultural rights.⁸ Among the activities pursuant to these arrangements was the holding of a workshop in Beijing in November 2001 to develop a common understanding of the content of human rights education, as

⁴ UN Doc E/CN.4/1998/50 Regional Arrangements for the Promotion and Protection of Human Rights in the Asia Pacific Region

⁵ Intersessional Workshop on National Plans of Action for Human Rights Education in the Asia-Pacific Region (Tokyo, Japan, 17-19 January 2000)

⁶ Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, Beijing, China, 1-3 March 2000.

⁷ Unlike other regions of the world, the Asia-pacific region lacks a regional human rights mechanism, such as a regional human rights treaty.

⁸ Technical Cooperation Between the Office of the United Nations High Commissioner for Human Rights and the People's Republic of China. Information Note

defined in international human rights instruments, to identify key components for effective incorporation of human rights education in the Chinese school system, to discuss experience in other countries and to contribute to the development of national strategies to enhance human rights education in the Chinese school system.⁹ Other activities included study tours within the region, the visit to the Philippines, for instance being cited by officials within the Ministry of Education with whom we met.

We may assess the significance of these endeavours by noting that they have led to concrete responses from the educational institutions of China, and by noting that such a workshop would represent a notable development within the Australian context, were it to occur.

China is only one example of the influence within the region of the United Nations, through activities associated with the United Nations Decade for Human Rights Education.

Follow-Up to the United Nations Decade for Human Rights Education

Less than two years now remain to the end of the first United Nations Decade for Human Rights Education. The question of what should happen at the end of the Decade is now one that has become topical for discussion.

It was the focus of global civil society deliberations carried out through the global human rights education listserv maintained by Human Rights Education Associates which is being submitted to the United Nations Office of the High Commissioner for Human Rights.¹⁰ The overview of responses from civil society participants contributing to the discussion highlighted a general sentiment of the importance of follow-on activities to the UN Decade as well as the specific value of a 2nd UN Decade for Human Rights Education.¹¹ Among agencies noting the value of the UN Decade and supporting a 2nd Decade were Hurights Osaka, which has particularly played a role in regard of human rights education in the East Asia and South East Asian region.¹² Support for a 2nd Decade similarly was expressed by an Indian NGO noting the potential significance of UN activities for India and the need for further progress to be made.¹³ The human rights education team at the international headquarters of Amnesty International also noted the value of the UN Decade and stated that the Decade needs to continue

⁹ Technical Cooperation Between the Office of the United Nations High Commissioner for Human Rights and the People's Republic of China. Information Note

¹⁰ Frank Elbers, Deputy Director, Human Rights Education Associates, Email message from List Moderator to Global Human Rights Education List-Serv dated 16 November 2002

¹¹ Frank Elbers, Deputy Director, Human Rights Education Associates, Email message from List Moderator to Global Human Rights Education List-Serv dated 17 December 2002

¹² Jefferson Plantilla, email message dated 19 December 2002

¹³ Somen Chakraborty Human Rights Unit Indian Social Institute New Delhi, India. Email message to global listserv 14 December 2002.

...because HRE is a long term process. Concrete achievements and a general acceptance of it as a normal, everyday part of formal and informal education cannot be reached within such a short period of 10 years.¹⁴

The Office of the High Commissioner for Human Rights is preparing a report to the UN Commission on Human Rights, which will include input from governments and civil society, and which will propose strategies for the follow-up of the Decade.

In this context it is important that Australian views be elaborated in the near future as to the character of such follow up.

The first Decade has served as a powerful catalyst at international, regional and national level, for both governments and civil society organizations, to encourage activities in the field of human rights education. A second Decade would ensure continued focus at international (and thus regional and national) level on the pursuit and encouragement of human rights education and enable further progress towards human rights education to be made. It would represent a commitment of the international community (including the United Nations, governments and civil society) to continue to pursue human rights education to further achieve the aims of the first Decade. Australia, as a lead sponsor of the human rights education resolution at the United Nations, can play a key role in ensuring a 2nd Decade is established.

Among the actions that the National Committee believes should be pursued are:

- a. Australian input to the Office of the UN High Commission report advocating a 2nd Decade for Human Rights Education.
- b. Australian advocacy and sponsorship of a UN Commission on Human Rights and UN General Assembly resolution
- c. Australian advocacy of increased funding of human rights education activities of the UN Office of the High Commissioner for Human Rights

See Recommendation A2 above.

Progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education

Both within Australia and the region more generally progress has begun towards the goals of the United Nations Decade of Human Rights Education. To regard the achievement of these goals as advanced would clearly be premature. Equally it would be inaccurate to undervalue the many initiatives and achievements in the human rights educational field since the Decade was established. The coherence and catalytic effect of the UN Decade has had a noticeable and positive impact both within Australia and

¹⁴ HRE Team International Headquarters Amnesty International. Email message to global listserv 12 December 2002

beyond our shores. A ten year period is however too short a time frame for the dramatic institutional developments implied by the goals of the Decade. Within Australia a key unmet priority is that of the development of a national policy framework for human rights education which includes comprehensive coverage of relevant sectors, including particularly the formal education sector.

Recommendation A6: That the Australian government host a national policy consultation, inviting representatives of relevant federal and state government agencies, and civil society representatives to consult on the steps that need to be taken to pursue human rights education within our country.

**APPENDIX 1: MEMBERS OF THE NATIONAL COMMITTEE ON
HUMAN RIGHTS EDUCATION INC.**

Dr Eric Tan AM, Chairman
Mr Michael Antrum
Ms Lynda-Ann Blanchard
Ms Sharan Burrow
Professor Hilary Charlesworth
Mrs Stella Cornelius AO, OBE
Mr Michael Curtotti
Mr Patrick Dodson
The Hon. Marcus Einfeld AO
Ms Tan Le
Chief Justice David Malcolm AC
Dr Sev Ozdowski OAM
Professor Margaret Reynolds
Professor Chris Sidoti
Rt. Hon. Ian Sinclair
Justice Pierre Slicer
Professor Tom Stannage
Mr Tom Stodulka
Professor Alice Erh-Soon Tay AM
Ms Tina van Raay
Dr John Yu AM
Dr Mark Zirnsak

**APPENDIX 2: EXECUTIVE SUMMARY OF DIGNITY,
DEMOCRACY, EQUALITY: NATIONAL STRATEGIC
CONFERENCE ON HUMAN RIGHTS EDUCATION**

Acknowledgements

This publication has been made possible by the kind contribution of many individuals and organizations who supported the Dignity, Democracy, Equality Conference by attending, by speaking, by chairing or acting as rapporteurs. We wish to thank all those who supported the conference.

It is a great pleasure also to express our deep appreciation to Rio Tinto Inc, the chief conference sponsor. We also wish to thank the Attorney-General's Department, which also contributed financially, and in other ways, to the success of the conference.

Introduction

The Dignity, Democracy, Equality Conference brought together a wide diversity of expertise from government, civil society, academia, media, the teaching profession and other disciplines to discuss the theme of human rights education in Australia. The conference was intended to bring a national strategic focus to the question of human rights education in Australia, as a contribution to the aims of the United Nations Decade for Human Rights Education. In particular two questions were put before the conference. These questions were:

- the state of play in human rights education in Australia, and
- measures to further develop human rights education into the future.

The conference was also able to explore many other themes and issues and thus provides us with an informed outlook on the role, significance and future of human rights education in Australia. In order to facilitate a consideration of the human rights education issues facing Australia the conference was organized around a number of sectoral workshops as follows: the workplace; teacher training and curriculum development; journalism and media; human rights institutions; community; schools and universities; lawyers, police and the judiciary; and governments, parliaments and local councils. Each workshop contributes to our knowledge of the work undertaken in the sector relating to human rights education and provides a “snap shot” of the issues and concerns affecting the sector.

It may safely be stated that the conference reflected a consensus of the need for human rights education in our community and the urgency of its extension into the future.

This executive summary seeks to provide an overview of the picture of human rights education in Australia emerging from the conference proceedings and to highlight recommendations that either were specifically raised by speakers or participants in the conference proceedings or which emerge from reflection on the state of play the conference highlights. Naturally such a summary cannot do justice to the richness of contribution the conference received. Accordingly this publication provides in full the texts of presentations which were kindly provided by speakers. Also, through the assistance of rapporteurs for the conference, we have the benefit of a summary of proceedings and discussion in each workshop, which also appear in the relevant section of this publication.

We hope that the release of these proceedings will contribute to an informed public discussion of human rights education as it relates to Australia.

Dr Eric Tan AM
President
National Committee on Human Rights Education Inc

Mr Michael Curtotti
Editor
Conference Proceedings

State of Play

One of the most difficult tasks facing those wishing to promote and encourage human rights education within Australia is the absence of comprehensive and up to date bodies of data analyzing the state of human rights education in the country. The lack of such data is a critical weakness in efforts to carry forward human rights education initiatives. An important aim of Dignity, Democracy, Equality was thus to draw together a picture of human rights education in Australia. We are fortunate indeed to have shared with us in this forum the observations and conclusions of leading practitioners whose work and role includes a human rights educational aspect. Nonetheless until systematic research is undertaken the picture we can develop will at best be partial, and will certainly be open to debate.

The Attorney-General, Mr Daryl Williams who kindly opened the conference, underlined the government's commitment to human rights education "Human rights education is crucial if we are to maintain Australian values". The thematic link between human rights and the Australian ethos was continued in his observations regarding the generally egalitarian nature of our society and the widely held sentiment of "a fair go for all" – the defining slogan of the National Committee on Human Rights Education. The Attorney-General underlined that we must continue as a country to strive to protect and promote human rights – to do better although the general picture may be good. Among the current initiatives of government were cited the current work of the government in the areas of age discrimination and disability standards. As stated by the Attorney, human rights are only meaningful if the people believe in them and are committed to their protection. In this context human rights education is critical and the government recognized its responsibility to develop policies that foster human rights education. The Attorney also gave support to the approach promoted by the UN Decade for Human Rights Education of the need for government, civil society and business to work in partnership to foster the aims of the Decade. Among Federal government programs before the conference were:

- the work of the Human Rights and Equal Opportunity Commission
- the Discovering Democracy Program
- funding of the National Committee on Human Rights Education
- funding of the Australian Red Cross international humanitarian law training

The Shadow Attorney-General Mr Robert McClelland also kindly attended the conference and offered a range of insights relevant to human rights education in Australia. He observed that human rights are the cornerstone of a democratic system and expressed concern that Australia is moving away from concern for the rights of the underprivileged. He noted that all sides of politics are committed to human rights but that "human rights" are becoming unpopular words in political debate: that they are becoming seen as the province of special interest and fringe group advocacy. Mr McClelland reflected on the important role of education in a democracy and on the tyranny of the majority, which represents a danger against which democratic societies must guard. Addressing the theme of civics education he highlighted an alarming ignorance of the Australian political system found in an 1989 report. He provided then an overview of the bipartisan work within parliament to promote active citizenship

leading to the establishment by the Keating government of the Civics Expert Group in 1994 and the launching by David Kemp, Minister of Schools in 1997 of Discovering Democracy. A more recent survey under the auspices of the current Minister for Education, Dr Brendan Nelson confirmed both that young people have a fundamental respect for human rights and that they are cynical of political processes. Other surveys show a majority of young people feel strongly about and support issues such as non-discrimination in immigration policy and reconciliation with indigenous Australians. Surveys in 1994 of 11-12 year olds and 15-16 year olds showed attitudes of respect of the rights of others, respect for the property of others and an ethic of equality of all irrespective of gender, race, age or disability.

Also valuable in our general summary of the state of human rights education are the observations of Victorian Equal Opportunity Commissioner, Dr Dianne Sisely, that only a small proportion of Australians know about their human rights. This captures what is a widely known reality. That is, although the general concept of human rights is well known in our community, and there is affinity for basic egalitarian values, the content and relevance of human rights ideas and their application in every day situations is only vaguely understood in the general population. In terms of general human rights trends Dr Sisely observed a rise in religious and racial discrimination and growing patterns of economic inequality.

Another indicator of the general state of play is offered by the observations by Professor Hilary Charlesworth, who addressed public consultations in the Australian Capital Territory around the possible introduction of a Bill of Rights for the Territory. Professor Charlesworth reported a common response to the idea of a Bill of Rights in the feeling that Australia does not experience significant human rights problems and that its institutions and laws need no improvement in this regard. Members of minority communities most likely to experience violations of rights however, readily saw the relevance of changes such as a Bill of Rights. Interestingly Professor Charlesworth identified children as a constituency having an intuitive understanding of human rights. A potential clash between "democratic" values and human rights was noted in the assumption of the primacy of simple majority rule in all circumstances. An antipathy to a Bills of Rights (perhaps pointing to a more general perception of "rights") was identified in an association drawn between the interests of lawyers and criminal elements as the key perceived beneficiaries of any such instrument.

An excellent presentation was also made to the Conference in its opening plenary by Ms Sharan Burrow, President of the Australian Council of Trade Unions and member of the National Committee on Human Rights Education. Her presentation drew together national perspectives within a global context, addressing the changes in the international system affecting human rights and human rights education. She presented the conference with a range of recommendations for the advancement of human rights and human rights education.

The overall picture is thus a complex one, as must be true in any society. Nonetheless it is clear that far more can and should be done in the field of human rights education, and

that although there are fine programs underway and a general egalitarian climate; human rights values face serious challenge. Human rights education has yet to make substantial inroads in terms of fulfillment of the specific aims and programs envisaged in the United Nations Decade for Human Rights Education. This is one challenge highlighted by the Dignity, Democracy, Equality Conference. Equally, as we will see below, the conference offered ample evidence of extensive human rights educational work in a wide number of fields. Although again it is possible to identify areas where human rights education would be usefully pursued.

The Workplace

The substantive context of human rights in the workplace was prominent aspect of the workshop deliberations addressing human rights education in the workplace. In particular, the reality of extremes of both poverty and wealth in regard of workplaces in the developing world was a context that could not be ignored. The role of the workplace representative was discussed including the provision of materials and campaigns, by such representatives. A high level of “illiteracy” was observed to exist in regard of human rights education in the workplace. Another issue raised was that of the relationship between different approaches to management and the protection of human rights in the workplace. While discussion on this theme pointed to the issues to be explored it was clear that further discussion is required. Participants recommended that this occur via email. While there a business perspective was not presented as part of this forum, materials provided by the conference sponsor, Rio Tinto, which highlighted policies and practices it has adopted, pointed to the work that can be done by business management to develop human rights policies and human rights training for the workplace context.

Teacher Training and Curriculum Development

The workshop discussing these issues had before it human rights, curriculum development and teacher training perspectives.

Dr Susan Pascoe outlined the work of “Discovering Democracy”, which constitutes a national program of civics education. This program is not compulsory but is promoted by the federal government to all state education systems and provides a coherent set of curriculum materials for all age groups for teaching civics. Various training programs for teachers are associated with it. It is clear that Discovering Democracy is the main federal curriculum endeavour relating to human rights education. Discovering Democracy contains a unit on human rights education.

Dr Pascoe noted the issue of “crowding” of the curriculum – the many demands that are made for space in the curriculum – and suggested that in this context it is necessary for human rights education to assert itself, if it is to have a greater role in the formal education system. Dr Pascoe also noted that the Federal Education Minister, Dr Brendan Nelson, is currently conducting a study into values education and this was discussed as

having a relationship to human rights education. Also important were her observations of the national goals of schooling agreed by all federal and state educational agencies. These national goals embodied in the Adelaide Declaration on National Goals for Schooling in the Twenty-First Century are fundamentally compatible with human rights education. They include a promotion of active and informed citizenship; a capacity to exercise judgment and responsibility in matters of mortality, ethics, and social justice; and an ability to understand and acknowledge the value of cultural and linguistic diversity within Australia as well as the capacity to benefit from it.

Part of the current state of play as observed by Dr Neill Ustick is the challenge posed by human rights education to the traditional assumptions and approaches of the teaching profession. Another challenge that faces the teaching profession in trying to address human rights is their contentious nature in society – and because teaching is regarded as conveying skills rather than values. An example of a current human rights education program is “New Basics” in Queensland which seeks to address and promote cultural diversity.

While not discussed at the conference it is useful to note in this context that the program in Queensland has parallels in other states and territories. A number of states and territories support an on-line anti-racism program for the educational community known as Racism: No Way www.racismnoway.com.au.

The NSW Department of Education and Training encourages schools to celebrate Harmony Day activities (21 March) which address issues of racial intolerance. It also reports carrying out anti-racism programs, multicultural education, aboriginal education and student welfare programs. The aboriginal education policy aims to promote educational achievement among aboriginal students and to educate all students about aboriginal Australia. The multicultural policy focuses on civic responsibility, community harmony and productive diversity. The Department provides training and grants to schools to implement anti-racism education projects. The training is provided by district officers, and is a prerequisite to funding for school programs. The policies provide scope for appointment of an anti-racism contact officer within the school community. Another program entitled “Cooling Conflicts” promotes conflict resolution in school communities including in the context of community tensions.

The Department of Education, Training and Employment in South Australia similarly reports support for harmony day and the adoption of multicultural, aboriginal education and anti-racism policies. At the end of 2001 the Department ran a “Unity in Diversity, Building a Culture of Peace” project with the cosponsorship of the Multicultural and Ethnic Affairs Commission. It also reports the involvement of schools across the state in the reconciliation process involving relationships between indigenous and non-indigenous Australians.

The Victorian Department of Education also notes a range of policies relating to human rights education including multicultural policies, and Racism, No Way. Importantly the Department sponsors a Human Rights Education Reference Group, bringing together

civil society and government agencies. The group is chaired by Mr Mark Zirnsak, a member of the National Committee on Human Rights Education, and is making significant progress in preparing baselines of human rights education in Victoria.

Mr Darren Smith discussed the important program of the Human Rights and Equal Opportunity Commission promoting and implementing human rights education in schools. This is of course only one aspect of a wide range of work carried out by the Commission as the premier Australian statutory body responsible for both human rights and human rights education. As Mr Smith outlined, the Commission has developed a pedagogy that is contextual, skills oriented, promotes critical study and is inclusive. The program seeks to reach out to education departments and undertake human rights education within the schooling system. Programs such as the Youth Challenge are part of ongoing implementation of human rights education through the work of the Commission, which reaches all states and territories.

A review of the foregoing summary highlights both the extensive character of human rights education in the school system and its fractured nature. What is brought together under one heading by the United Nations Decade for Human Rights Education is described and approached in various ways depending on the perspective underlying a particular program: civics, values, anti-racism, multicultural, conflict resolution, indigenous etc. These approaches of course have the benefit of contextualisation to the concrete human rights issues affecting the Australian community, and are necessary and advantageous for that reason. It is clear however that this fractioning also leads to an absence of coherence from the point of view of human rights education as a whole. It represents a human rights education constituency which is divided and generally does not communicate across thematic boundaries. It may also be observed that the United Nations Decade on Human Rights Education has made very little concrete impact as yet on state education systems, with the sole exception of Victoria.

Journalism and the Media

The workshop exploring the role of the media noted the role of SBS as a national broadcaster broadcasting in many languages: by its nature it is a forum for many voices and assists in making the experience of minority communities accessible to the entire Australian population. The work of SBS in carrying out a whole week of human rights programming was also discussed.

The importance of recognition of positive examples of media work promoting understanding of human rights through the presentation of awards was highlighted by the workshop.

The role of the media is critical as every topic of public discussion can include a human rights context. Journalists were observed to often miss opportunities to explore the human rights aspects of an issue because of their own lack of knowledge about human rights matters. Part of the state of play is the responsibility of journalists as the primary

medium of the community's self-consciousness to report human rights issues and inform the public of where human rights breaches are occurring or could occur.

Human Rights Institutions

A number of observations emerged from discussion of the role of human rights institutions. Such institutions play a key and important role in Australia: as the statutory bodies with primary responsibility for the protection of human rights. Mr Chris Sidoti, noted that they have for instance played an ongoing role in educating the public through the carrying out of public inquiries whose influence has been great enough to enter the language and mythology of our country. "Stolen Generations", which brought to public attention the widespread practice or removal of aboriginal children from their families, provides an excellent example of such a report. There have been many many others, addressing a wide range of human rights issues of public concern – promoting understanding of the issues, and fostering constructive policy responses to them. Human rights institutions bear the primary role for the protection of the human rights of the individual, through the Acts they administer. Their mandates include a public educational role.

A general feeling emerged from consultation, that human rights institutions should be encouraged to take a greater and more expansive leadership role in the human rights education area. They were encouraged to see their roles as extending beyond the provision of information in the educational role they play. Dr Dianne Sisely, identified the general modus operandi of human rights institutions, in relation to complaint handling, in which the individual has responsibility for pursuing a 'complaint' as a limitation. The individual has difficulty in confronting systemic institutional discrimination issues. Another problem was the tendency to lack of cohesion between the work of the various anti-discrimination commissions.

It is notable also that the legislative mandates of anti-discrimination commissions tends to focus educational responsibility on responsibility simply to educate about the operation of the relevant Act. The educational role of human rights institutions needs to be more than simply the provision of information – as observed by Mr Chris Sidoti – it must move people forward.

The workshop also had the benefit of the experience of the Asia-Pacific Forum of National Human Rights Institutions, in reviewing the work at regional level to build links between human rights institutions and to promote the Paris Principles for their independence and effectiveness. Strategies recommended by Mr Stephen Clark of the Forum for the promotion of human rights education included forging and maintaining partnerships with civil society and a greater role for human rights institutions in improving understanding in other agencies about human rights precepts.

Community

The presentations before the conference represent a variety of ways in which community organizations undertake human rights education within Australia. One observation during the conference was that community action is education. There is undoubtedly a large measure of truth in this description of the way in which community organizations – which mobilize to undertake advocacy around one or other issue - serve to provide practical educational services to the community at large. This may be seen as having particular relevance as it is addressing the human rights issues of the moment, or more broadly addressing human rights issues in the context of real dilemmas, real and present violations of human rights.

Speakers to the role of community organizations showed the variety of action that community organizations engage in. Dr Pat Ranald from PIAC highlighted their role in developing a network of agencies called the “Australian Fair Trade and Investment Network”. This represents the drawing together of interested constituencies exploring the interlinkages between trade and human rights. Ms Susan Harris from ACFOA, although unable to attend due to illness, provided a written paper outlining the role of ACFOA in providing human rights educational services to member organizations – in the context of their specific development mandate. She identified the need for development of rights based approaches in the field of development. Dr Eva Sallis’s work as part of the “Australia is Refugees Program”, illustrates both the catalytic role of the individual and the capacity of community organizations to reach out to the broader community to address issues of shared concern.

Schools and Universities

The presentations by Professor Margaret Reynolds and Mr Dennis Sleight both highlighted the issues associated with taking human rights education from the theoretical to practical application. Professor Reynolds highlighted that for effectiveness education must relate to the experience of the learners. She provided an example of a ‘mock parliament’ as a more effective way to teach understanding of the democratic process than simple provision of information. The methodology is applicable at both school and university level.

Mr Sleight returned to the theme of crowding in the curriculum and noted existing curriculum elements such as indigenous issues, racial tolerance and anti-bullying education as examples of human rights education.

In contrast to other speakers who had suggested that teachers are just engaged in conveying information he suggested that the entire teaching day is spent in the conveying of attitudes. Consciousness of children’s rights is inculcated by the school environment. He noted the importance of beginning from the child’s experiences and needs and working outwards in the human rights education process.

It is also appropriate to examine in this section the role of Law Schools. There is no doubt that Law Schools are one of the major institutions undertaking human rights education in Australia. Mr Simon Rice examined their role noting the parameters of their work. For instance human rights courses are generally optional in law schools rather than forming part of the core curriculum. Also he noted the absence of "mainstreaming" of human rights across the legal curriculum. In this regard virtually every field of law has human rights implications, but this human rights context is generally not taught.

More generally in regard of universities, it may be noted that they are the centers of research and thought in the country. An important initiative taken by the National Committee on Human Rights Education was encouraging the establishment of a Chair of Human Rights Education. This initiative was undertaken by Curtin University of Technology in Western Australia and will become operational in 2003.

The establishment of this Chair, itself a significant achievement, points to the great need for focused research at tertiary and post-tertiary level into questions associated with human rights education. It is clear that such research must be multidisciplinary in nature and transcend the conceptual heartland of human rights found in the law schools. In particular educational perspectives are critical. Other perspectives such as sociological and the political sciences are also important. The encouragement of university scholarship in the field of human rights education is critical.

Judiciary and the Legal Profession

Chief Justice David Malcolm reviewed human rights education as it relates to the judiciary. There are 900 judicial officers in Australia. Formal training/education of the judiciary has not been a feature of the Australian common law system. Judicial education is thus a new area. It has manifested in judicial orientation programs and in Continuing Legal Education programs run by the Courts and the Australian Institute for Judicial Education. More recently Australia has seen the establishment of a National Judges College.

In terms of the role of the judiciary in fostering human rights education the strong rights based traditions of the common law, of which the judiciary are the primary purveyors, may be noted. Against this general background however may be noted issues of discriminatory attitude (for instance gender related attitudes in some sexual assault cases in the 1990s).

Chief Justice Malcolm also noted the role of Chief Justices in the Asia Pacific in the adoption of the "Beijing Statement of Principles" which includes among the functions of the judiciary "as far as possible within judicial independence, the observance and attainment of human rights".

Mr Simon Rice reviewed the role of the legal profession, noting that its principal characteristic is its business focus. This focus does not lend itself naturally to playing a prominent role in human rights education – and tends to reduce interest in it. Mr Rice noted the role of Australian Lawyers for Human Rights as one agency which is promoting human rights practice among lawyers: encouraging lawyers to identify the human rights aspect of matters and how to incorporate human rights based arguments and materials into legal submissions. Mr Rice also observed the responsibility of lawyers to endeavour to clearly explain principles of human rights law to non-lawyers.

Government

The general picture outlined above has provided an overview of human rights education from a federal point of view.

In Western Australia we see an example of the role that State government can play in promotion of human rights values. This was outlined in the presentation by Dr Christina Gillgren on the work of the Civics and Citizenship Unit of the Western Australian Premier's Department. Notable in her presentation were that issues were addressed in the context of "Governance" in the WA Strategic Plan. These issues, designed to address what have become known as the "democratic deficit", include knowledge and understanding, access and equity, mechanisms to encourage and facilitate participation within the democratic process and the building of trust and confidence between government and citizen. In addition the presentation highlighted the issue of consultative processes and mechanisms in which citizens are not only well informed of public issues but have a true opportunity to influence public debate. WA in this context has adopted a guide to consulting citizens applicable within the West Australian context.

The lack of such a guide at federal level is notable and particularly pertinent in respect of human rights issues, where the issues in question will fall across the portfolio responsibility of a number of agencies each of which has its own consultative mechanisms, and different audiences to which they reach.

The Bill of Rights Inquiry within the ACT Jurisdiction, addressed by Professor Hilary Charlesworth, provided a further example at state level of the means available to government to promote understanding and awareness of human rights issues. Professor Charlesworth discussed the work of the ACT Bill of Rights Consultative Committee to engender informed public debate and encourage public submissions on questions associated with a Bill of Rights. It was interesting to note the perceptions of human rights highlighted by responses to public consultation on the Bill (see discussion above).

At the local level we saw the work that could be undertaken by local communities, through the presentation of Dr Jan Ryan, who explored endeavours to establish a "Human Rights City" program in the city of Perth. The program is being undertaken as part of an initiative launched by the NGO "People's Decade for Human Rights Education" which is supported by the United Nations. Perth is one of seven cities in the world where the

program is being undertaken. The Human Rights City concept seeks to promote understanding among the city's citizens of human rights and their protection and the resolution of conflicts in accordance with human rights principles. It includes the formulation of strategic plans for human rights established by all stakeholders and the appointment of a human rights ombudsperson as well as a local human rights education committee. Dr Ryan outlined the steps envisaged in the Human Rights City concept, which includes integral involvement of local government in the pursuit of the plan.

Parliament

The important role of parliamentary committees in human rights education was highlighted by the presentation of Senator Marise Payne, Chair of the Parliamentary Sub-committee on Human Rights. Among her observations was that it is the role of committees such as the Human Rights Sub-committee of parliament to inform and educate parliamentarians, to scrutinize human rights questions particularly in the context of public inquiries, and to scrutinize bills for their human rights consistency.

The Human Rights Sub-committee of parliament is an important Australian institution for the protection and promotion of human rights. It was established in 1991 and as early as 1992 it identified the importance of human rights education. In a series of recommendations in a 1992 report it called for the expansion of then existing human rights training within the Department of Defence. It also recommended that other departments affected by obligations under international treaties should offer suitable training. The committee has also called for the tabling in Parliament of Australia's reports to the United Nations under human rights treaties. Among the other roles of the Sub-committee was its fostering of briefings on human rights issues for the education of its own members and the participation of members of the Committee in exchanges with delegations from other parliaments and governments in which human rights is discussed. An interesting example of reports undertaken by the Sub-committee was that following a public hearing on human rights and human rights education issues associated with conditions in immigration detention centers.

Of great significance was the announcement of the referral to the Sub-committee, by the Minister of Foreign Affairs of an inquiry into Human Rights and Good Governance Education in the Asia-Pacific. This in itself is an important initiative promoting human rights education in Australia and the region.

Appendix 3
Report to the National Committee on
Human Rights Education Inc
of the July 2002 Human Rights Exchange
with the China Society of Human Rights
Studies

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Introduction

This report seeks to provide a brief overview of the July 2002 visit to China of a small delegation of the National Committee on Human Rights Education. The visit was undertaken at the invitation of the China Society for Human Rights Studies¹, which proposed and hosted this human rights exchange. In 1998 the National Committee on Human Rights Education hosted a visit to Australia of a delegation of the China Society of Human Rights Studies led by the Honorary President Mr Zhu Muzhi. The delegation participated in A Fair Go For All Human Rights Education Conference, co-hosted by the National Committee with Curtin University. Through the 2002 Human Rights Education Exchange the National Committee has undertaken a return visit with the aims of promoting human rights education, exchanging experience in the field of the human rights education and human rights, and fostering ongoing human rights education and human rights exchange at people to people and institutional level between Australia and China.

It is appropriate to note the generous hospitality and assistance extended to the delegation during the visit by the China Society and its officers, enabling us to undertake a range of meetings with organizations and institutions playing a role in human rights and human rights education in China.

Members of our delegation were:

Dr Eric Tan AM, Chairman of the National Committee on Human Rights Education
The Hon Marcus Einfeld AO QC
Mr Michael Curtotti, Acting Secretary of the National Committee on Human Rights Education

Inevitably this report reflects my own perspectives and interpretations of the visit, although I have sought to keep such interpretations to a minimum, and to highlight

¹ The China Society for Human Rights Studies is sponsored by scholars and experts concerned with human rights at nine Beijing Based schools of higher learning and research institutes, the All-China Federation of Trade Unions and the All China Women's Federation. CSHRS was founded in January 1993 and has consultative status with ECOSOC. The society has 200 members nation-wide and 40 executive council members. The objective of the society is to research the theory and practice of human rights. The Society publishes widely in the field of human rights, hosts conferences on human rights themes and maintains exchanges with human rights organizations overseas. Included in its work is China's first human rights bimonthly magazine "Human Rights" published in both Chinese and English (launched in March 2002) and production of TV and radio programs on human rights broadcast within China. Broadcasts included basic theories of human rights, international human rights and Chinese vs. Western views of human rights. The list of members with whom we met while in China provides a sense of the membership of the Society. The inaugural edition of *Human Rights* contains an introductory letter from Li Peng welcoming the magazine. Li Peng's statement provides a summary of the Chinese government approach to human rights. The magazine focuses on "good news" stories (by implication discussing human rights problems that are being addressed) and putting a Chinese perspective of human rights within and outside China. The first edition also includes a report of Mr Zhu Muzhi's address to the "Human Rights a Fair Go for All" conference in Perth.

substantive information arising from the visit. Nonetheless it is appropriate to note that each of member of the delegation will have come away from the visit with slightly different impressions – thus the views expressed here are my own.

I would like to take this opportunity also to thank the National Committee and to express my deep appreciation to my fellow delegation members, Dr Tan and Justice Einfeld, whose presence made the visit for me both personally illuminating and immensely enjoyable.

In regard of this visit, it should be noted that time for substantive discussion was limited, both by the number of meetings and by the need for translation. This has meant that a number of issues were only touched on, rather than discussed in depth. Also it would be unrealistic to anticipate that such a brief visit can provide more than an introductory understanding of many issues affecting human rights education in China. Conclusions in the report must thus be seen in this light. Given that our primary mission was to seek avenues for further exchanges and to build institutional linkages, it is hoped that there will be further opportunities to do so in an open and frank environment.

Michael Curtotti
October 2002

Meetings During the Visit

The delegation met with senior representatives of the following peak institutions and organizations:

- The Ministry of Justice
- The Ministry of Education
- The Ministry of Foreign Affairs
- The All China Women's Federation
- The Ethnicities Commission

We also participated in seminar sessions with leading members of:

- The China Society for Human Rights Studies
- The Chinese Academy of Social Sciences Human Rights Centre

Mr David Irvine, the Australian Ambassador in Beijing, also met with us and provided us with his in- country perspective and his wise counsel.

In addition the delegation was welcomed at a formal function held by the China Society for Human Rights Studies. The function was hosted by Mr Zhu Muzhi, Honorary President of the China Society and was attended by senior members of the China Society, including Mr Zhou Jue, current President, and Prof Dong, the current Secretary-General of the Society. The China Society also held a farewell dinner which was hosted by the China Society Vice President, Mr Yang Qhengquan and attended by the Vice-Secretary General Mr Sha Qinguang. Mr Zhu and Mr Yang were former Ministers. Both functions underlined the mutual desire of National Committee and the China Society to foster further exchange in the field of human rights education. At the farewell dinner Mr Yang invited the National Committee to propose future items for possible further dialogue.

To make a brief interpretative comment to provide context to this report, it appears that there is a process of pursuing human rights reforms in a number of areas in China. Equally it appears that a number of areas currently remain outside the scope of reform.

Much of the reform appears to be flowing from the impetus of Chinese institutions and agencies active in the field of human rights. It appears to be the case that official sanction for human rights developments (in some areas) is an influential driving force for change. In some respects, this lends strength to the work in those areas. In other respects, it means that issues of particular sensitivity to the ruling institutions remain outside the scope of reform, and caught within a set policy approach. In addition certain institutions having high standing in Chinese society, such as the All China Women's Federation and the Chinese Academy of Social Studies provided a variety of examples of their ability to successfully bring human rights and human rights related perspectives to bear on the process of policy reform. The areas in which China appears to be active in human rights and human rights education include:

- Introduction of formal and public education in legal and civil rights and promotion of a "rights" culture.

- Civil rights associated with a fair trial and with civil rights vis a vis administrative action
- Democratisation at local level
- Pursuit of economic rights and subsistence in the context of introduction of a market economy.
- Equality of women
- Rights of minorities

Given these examples of change that can be noted in the Chinese context, and the official support that has been a prerequisite for those changes to have been introduced, it would appear possible that change will be extended to other areas over time.

It was not the purpose of our visit, or of this report, to detail China's human rights failings, suffice to note that these are widely known and include issues relating to freedom of association and certain aspects of freedom of worship, as well as other issues.

There was a preparedness among some with whom we met to frankly state that problem areas exist and that further progress is required.

In noting such statements it is pertinent to reflect that similar statements can be applied equally to the situation in our own country.

The Ministry of Education

In the field of human rights education, which was of course the main focus of the visit, some similarities may be noted with Australia. The Chinese administration places emphasis on "legal education" – which appears broadly to correlate to our "civics education", which has been promoted over a number of years in Australia, and includes aspects of human rights within its purview. The scale of education in China is of interest, with about 0.3 billion people in formal education.

In both countries, the UN Decade for Human Rights Education is only beginning to influence the thinking and action of institutions. Notably China appears to be more advanced than Australia in the key functional area of its Ministry of Education, which has undertaken frequent discussions with the Office of the UN High Commissioner on Human Rights, is involved in regional dialogue on human rights education, is researching the human rights education work of other countries and is developing and implementing its own specific human rights education programs. In 2000 the Ministry signed a memorandum with the High Commissioner in the field of technical cooperation in the field of human rights education. In September, the Ministry of Education plans to release new curriculum materials on human rights education. The Ministry is also planning to introduce minimum hours for teaching in human rights education and teacher training for the same purpose. The Ministry is publishing two books on human rights education, one directed to teachers and the other directed to government administrators. At the moment there is a lack of sufficient people to teach human rights in universities and lack of

translation facilities is significant because many human rights texts are in English. China's approach incorporates both promotion of knowledge about rights and the building of capacity of its citizens to effectively protect their rights through the courts. We were advised that individuals have brought approximately 500,000 suits against government agencies, 30% of which were successful. This has apparently flown from education of the population in how to use court proceedings. Knowledge about human rights and inculcation of a capacity for action to protect rights represent two dimensions of human rights education identified in the UN guidelines for the Decade (see Annex 2).

Dr Wang Jiaqin, of the Ministry of Education, who had recently visited Australia to undertake an examination of human rights education in our country, stated that he was unable to find any officials with specific responsibility for human rights education, or programs directed specifically to human rights education. Although failing to take account of many ad hoc programs in different aspects of human rights education in Australia, the assessment of lack of active response to the Decade within educational institutions is broadly accurate. Officials of the Ministry of Education expressed interest in ongoing dialogue in the field of human rights education.

The Ministry of Justice

Officials of the Ministry of Justice also appear to have a significant role in human rights education through progressive "Five Year Plans" to popularise law. Programs have targeted officials, the general public, teenagers and children, judges and prosecutors and employees. Ministry of Justice officials expressed interest in cooperation in the field of education of children and teenagers and in human rights in the workplace. The Ministry appears to utilise both formal and public educational approaches. The Ministry representatives noted the process of legal reform which has been pursued since 1979. This has included a process of public legal education, which aims to promote understanding of the rule of law so that the law can be enforced effectively. This has been pursued through a series of 5 year plans. The fourth 5 year plan has just begun. These plans are approved by the National People's Congress and the State Council.

Each plan has had a different thematic focus. The first plan sought to convey a basic knowledge of the law. The second placed more emphasis on promoting understanding of particular legal fields. The third emphasised the promotion of government administration in accordance with the rule of law. The fourth will aim to bring about a transition and improvement in people's capacity to effectively use the law.

The public education carried out under the auspices of the Department of Justice reaches a number of target groups including:

- Administrators at different levels of leadership.
- Judicial officers and prosecutorial staff
- Chief Executive Officers and staff of business enterprises
- Teenagers and children (which is a main area of focus – it involves a five year program to teach the rule of law and how to use the law to protect their rights to

- children and teenagers – it also aims to instil a consciousness of ethical behaviour)
- labour market – in order to assist them to protect their legal interests.

The main objectives of the programs are to promote consciousness of the law and an ability to use the law in daily life. It is interesting to note that the kind of developments described above represent a shift towards emphasis on “rights” in social relationships. The discussion with the Chinese Academy of Social Studies (see below) also touched on this point.

Consciousness of the law has been strengthened, including in the field of democratic participation. We were advised that at village level China has introduced village elections where villagers elect their own council in a free election. Candidates are able to campaign for election. Villagers also have the right to put a motion of no confidence in regard of a particular candidate.

The Ethnicities Commission

Our meeting with Ms Feng Lan of the Ethnicities Commission was interesting in a number of respects including in regard of human rights in the workplace. We did not receive any information indicating that there are sophisticated programs to address human rights in the workplace. China has developed programs for promoting the rights and interests of ethnic minorities. Discussion noted emerging problems in regard of members of ethnic minorities who migrate to major centres. It appears that, in principle, the idea of the education of the majority in order to protect minority rights would be welcome. It is not clear that such programs exist in China. Australia has well-developed anti-racism programs, including in the workplace, which may be applicable to the situation in China.

More broadly, the work of the Ethnicities Commission addressed itself to a range of issues affecting the well being of minorities. This included issues relating to economic development and to protection of minority cultures. The information we were provided is that considerable work is being undertaken to promote both objectives as far as minorities are concerned. The lagging economic development of ethnic minorities was acknowledged. China adopts affirmative action programs in seeking to address such inequalities.

Ethnic minorities tend to be concentrated in the northern, western and south-western regions of China. Government authorities distinguish fifty-six ethnicities in China. In regard of self-determination of these minorities, China maintains 4 autonomous regions (Inner Mongolia, Xinjian Uiygur, Guangxi Zhang and Tibet), 30 autonomous minority prefectures and 120 autonomous minority counties. We did not receive detailed information on the organization of these regions, although it was suggested that minorities play a major role in decision making and governance of the autonomous regions, prefectures and counties.

An interesting area of discussion was in relation to the kinds of disputes that arise between ethnic groups. It would appear that a major source of contention is issues relating to access to land and resources. China appears to have a process of mediation to settle these disputes. Statistical information on the outcomes of these disputes was not available.

The All-China Women's Federation

Also of interest was the work of the All China Women's Federation, which is a peak women's organization that has operated in China since 1949. The Federation appeared to be well-funded and to have significant influence on law and policy in China. Issues with which the Federation concerns itself included the participation of women in the workforce, and advocacy to protect women's rights. Prior to 1978, the Federation focussed on challenging stereotypes of male superiority and since then has worked for better treatment of women within the family context: for instance addressing the issue of domestic violence. The Federation is represented at senior level within the National People's Congress.

Ms Zhang Jing, the representative of the Federation with whom we met, advised that women continue to face many problems in China and that market reform has tended to exacerbate these problems. Among the challenges identified were unemployment in urban areas, poverty in rural areas, domestic violence, problems of trafficking in persons, drugs and prostitution.

An interesting area of work undertaken by the Federation was successfully preventing the adoption of suggestions that China should adopt a Japanese style economic model in which women are required to leave the paid workforce after marriage. The Federation is also undertaking work to promote women's access to land ownership. Ms Zhang Jing expressed great interest in meeting with Professor Margaret Reynolds in a future visit to China.

Seminar Sessions

It is of interest also to briefly review seminar discussions with the China Society for Human Rights Studies and the Chinese Academy of Social Studies in which the delegation participated. These discussions were much more effective in providing an opportunity for exchange of views and for engendering substantive discussion.

Seminar with the China Society for Human Rights Studies

The seminar included prominent members of the China Society, whose names and backgrounds are included in Annex 4.

The seminar with China Society members focussed on issues relating to Tibet and to human rights issues of the future (i.e. those that will become increasingly challenging as we move into the 21st century).

On the issue of Tibet, provided a focus for a lively discussion where differing views were expressed. The outcome of these discussions focussed on the possibility of Justice Einfeld and others undertaking a visit to Tibet with Professor Shes-Rab.

In relation to issues of the future, discussion identified a number of areas of interest:

- Human Rights Education for the masses
- Poverty alleviation domestic and global
- Human rights protection for the ageing
- Knowledge poverty and protection of sovereign bio-assets from predatory patenting practices
- Immigration issues both cross-border and in-country.

Of these issues, two perhaps offer particular potential for future exchange with China.

Immigration issues for instance affect China as a country with a great diaspora and also as a country which must effectively manage enormous internal migration. Australia remains, as it has been throughout the last 200 years, a country significantly shaped and influenced by immigration, and struggling to address migration issues. Freedom of movement is a significant human rights issue of both the past and the future.

Issues relating to economic exclusion of a majority of the world's population are also an important area of discussion. Debate between developed and developing countries tends to be limited to developing country observation of lack of sufficient aid from developed countries and developed country response of the need for better governance in developing countries. Both observations have some degree of truth but a more sophisticated exchange is required to address this issue.

Seminar with the Chinese Academy of Social Studies – Human Rights Centre

The discussion with the Chinese Academy of Social Studies canvassed a range of issues including:

- Legal and human rights education
- Promotion of the rule of law
- Fair trial, judicial effectiveness and independence
- Death Penalty

- Extrajudicial Executions
- Incorporation of international human rights standards into Chinese law
- Violation of the rights of asylum seekers in Australia
- Rights versus responsibilities
- Universality and indivisibility of human rights

It is clear that the Chinese Academy of Social Studies (CASS) which maintains a Centre for Human Rights Research, has played an influential role in advancing human rights in China. Through its academic work, it has pursued a common theoretical approach to human rights with western scholars. It has also undertaken a broad range of successful work to influence government action and programs in the field of human rights. As with the All China Women's Federation, the CASS Centre for Human Rights Research provided impressive examples of effective Chinese work in the field of human rights.

The CASS interest and work in human rights arose in the process of reviewing the lessons of the cultural revolution. The Centre for Human Rights Research operates by researching human rights problems and putting recommendations to government on how they might be addressed. Among examples of the work of the Centre provided were:

- Successfully promoting the inclusion of human rights protection in the report of the Communist Party
- In 1992 suggesting the government ratify the international human rights covenants, in the context of undertaking a comprehensive review of the differences between Chinese law and the Covenants
- Bringing about the inclusion of human rights elements in approximately 100 pieces of legislation
- Publishing in the field of human rights including the production of the China Encyclopaedia of Human Rights (in Chinese) and the translation of leading human rights works
- Working with western scholars to find a consensus on human rights at the fundamental theoretical level
- Lecturing senior Chinese leaders on human rights on five occasions.
- Providing many lectures to the members of the standing committees of the Chinese National People's Congress.
- Advocating reform of the Constitution to include human rights norms, including that it should stipulate the status of international treaties.
- Recommending the reduction of the number of offences attracting the death penalty
- Suggesting that illegally obtained evidence not be available in criminal proceedings
- Promoting a variety of reforms to investigative procedures
- Active promotion of public discourse on human rights through print and electronic media.

Also of interest was information provided regarding the status of human rights within university education. In this regard human rights is a compulsory subject for students of

law, politics and international relations. It is also included in courses on constitutional law and criminal law and procedure. In addressing the Chinese approach to human rights, members of CASS emphasised that there was an acceptance of all human rights for all including both civil and political rights and economic social and cultural rights. At a number of points during our visit however people with whom we had spoken emphasised that human rights was pursued in accordance with China's level of development and that emphasis on economic social cultural rights is an aspect of China's pressing need to deal with poverty and its stage of development. On the question of the balance between rights and responsibilities we were told that there is now an emphasis on both in China, although in the past obligations had been given greater emphasis. In this respect an explicit link was drawn with the shift from the planned to market economy and it was stated that an emphasis on rights is unavoidable within a market economic context. Also noted was the diversity of views about human rights within the west itself (eg the EU and the US). They saw China as falling within a spectrum of views about human rights.

Efforts to improve judicial administration canvassed by CASS is also worth noting. Judicial competence has been a problem. Measures to address it include introduction of minimum levels of professional legal training for all new judges and addressing the problem of absorption of inappropriate officials from other ministries into judicial service. New legislation restricts judicial service to those who have trained as lawyers, procurators and judges. Currently all judges do not meet this standard however this will become the case over time. Promotion within the judicial system also requires meeting these training standards.

Another problem affecting judicial independence is the influence over the judiciary of personnel departments and local administration. These are issues which the CASS human rights centre is pursuing.

General Comments

During our visit, as well as receiving information regarding China, we were able to provide a range of information relating to the work of the National Committee and human rights education and human rights in Australia.

The discussion with the China Society showed great interest in the work of the National Committee, including in regard of the Citizenship for Humanity project. This interest extended to expressions of a desire for future cooperation and the recommendation to the National Committee that we consider specific areas on which we would pursue future human rights education exchange.

Also, there was interest in the human rights problems of Australia. Among the issues raised with us were that of asylum seekers and the treatment of boat arrivals, including

the Tampa incident. Also raised with us were issues concerning immigration more broadly and issues relating to the status and welfare of indigenous Australians.

We also had a valuable meeting with the Australian Ambassador, David Irvine, and with Mr He Yafei, Head of the Department of North American and Oceanian Affairs of the Chinese Foreign Ministry. In both meetings, the value of dialogue was discussed and Dr Eric Tan expressed our hope that human rights education could be included in the formal government to government dialogue between Australia and China.

Conclusions and Proposals for Follow Up Action

There appears to be considerable potential benefit in expanding people to people contact in the field of human rights and human rights education between Australia and China. In addition to mutual learning from different experience in the two countries, there exists a potential for practical cooperation, that can contribute to advancing human rights in both countries.

The following are recommendations that might be pursued by the National Committee, or other agencies, where relevant.

1. That the National Committee use its good offices to promote a further visit of an Australian delegation from agencies with which it is working – for instance particularly in the academic field. A particular opportunity exists for an Australian representative to speak at the October conference being hosted by the China Society for Human Rights Studies on Oriental Civilisation and Human Rights. Professor Reynolds and other members of the National Committee, as well as other organizations, may wish to undertake such a visit.
2. That the Law Council of Australia be approached with the suggestion that it send a delegation of Australian judicial and legal experts to build further links with legal experts in China, such as the Chinese Academy of Social Studies, with a view to practical projects to advance human rights in China such as a better trained and transparent judiciary and other legal exchange between the two countries.
3. That the National Committee propose the establishment of a standing seminar series for the public exchange of Australian and Chinese perspectives of human rights. An appropriate Australian partner or partners would need to be identified to make this feasible (eg the new Chair of Human Rights Education at Curtin University). Among initial issues that might be pursued in such a dialogue are migration and freedom of movement and extreme poverty at global level.
4. That the National Committee pursue a meeting with the Federal Minister of Education and, in cooperation with State Committees, with each State Minister for the purpose of advocating greater efforts towards implementation of human rights education within the formal schooling system, including support for the Citizenship of Humanity Project.
5. The National Committee suggest to the ACTU consideration of work with the CASS, and the Ministry of Justice to promote human rights education in the workplace.
6. The National Committee offers its support to Professor Alice Tay and other members of the bilateral Human Rights Dialogue in the event that it may be able to contribute.
7. To continue to work with the China Society for Human Rights Studies in developing this promising relationship
8. That an appropriate Australian agency be approached to assist with translation of human rights texts, and teacher training, issues drawn to our attention by the

Ministry of Education as barriers to implementation of human rights education in China.

Annex 1: The UN Decade for Human Rights Education

Background

The United Nations Decade for Human Rights Education 1995-2004 was a concrete outcome of the World Conference on Human Rights in 1993. Its institution marked a heightened recognition of the role of education in the protection and promotion of human rights and an increased focus on the encouragement of programs and policies to enhance and further human rights education. The Decade has resulted in a plethora of activities by international, national and civil society agencies in response to the Decade. The United Nations mid-term review of the Decade, while highlighting many of these initiatives, also found that much work remained to be done, particularly by governments.

Guidelines for the UN Decade

The UN guidelines for the Decade for Human Rights Education produced by the Office of the UN High Commissioner for Human Rights define human rights education as:

training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes, which are directed towards:

- (a) The strengthening of respect for human rights and fundamental freedoms;*
- (b) The full development of the human personality and the sense of its dignity;*
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;*
- (d) The enabling of all persons to participate effectively in a free society;*
- (e) The furtherance of the activities of the United Nations for the maintenance of peace (see A/51/506/Add.1, appendix, para.2)*

Noting the role of human rights education in promoting the observance of human rights, the Guidelines identify three dimensions of human rights education:

- (a) Knowledge: provision of information about human rights and mechanisms for their protection;*
- (b) Values, beliefs and attitudes: promotion of a human rights culture through the development of values, beliefs and attitudes which uphold human rights;*
- (c) Action: encouragement to take action to defend human rights and prevent human rights abuses.*

The principles of human rights education suggested by the guidelines flow from international human rights instruments and include:

- a. recognition that human rights education is itself a human rights
- b. promotion of the universality, interdependence and indivisibility of all human rights
- c. encouragement of analysis of human rights problems
- d. promotion of non-discrimination on the basis of race, class, gender, religion etc.
- e. promotion of non-discriminatory conduct and language and respect for diversity of opinion.

Steps Towards a National Plan of Action

The guidelines also suggest a series of steps towards implementation of a national plan of action for human rights education such as:

- A. Step 1: establishing a national committee for human rights education
- B. Step 2: conducting a baseline study
- C. Step 3: setting priorities and identifying groups in need
- D. Step 4: developing the national plan
- E. Step 5: implementing the national plan
- F. Step 6: reviewing and revising the national plan

Each of these proposed elements is defined in some detail – providing a basis for assessing overall development towards a national response to the UN Decade.

The guidelines that accompany the UN Plan of Action for the Decade also provide a useful source of ideas relating to human rights education.

Both the Guidelines and the Plan of Action are available at the UN human rights website www.unhchr.ch

Annex 2: Developments in the Asia-Pacific Region

The idea of human rights education is one that has attracted particular interest of governments in the Asia-Pacific Region. In 1998 governments of the Asia-Pacific region adopted conclusions and a plan of technical cooperation in four areas including that of human rights education.² It has continued to feature as a theme of activities in the region. Regional and sub-regional workshops on human rights education and human rights were held in Japan³ and Beijing⁴ in January and March 2000 respectively. The Japan workshop noted human rights education as one of four priority areas for the Asia-pacific region and part of a building block approach towards a regional human rights arrangement.⁵

The workshop stated that human rights education must reflect a balance between rights and responsibilities. The workshop also recognised the importance of national plans of action in human rights education. The workshop also recognised that human rights education for those involved in the administration of justice is a priority area for countries of the region. The Beijing workshop dealt with human rights education as one of the regional human rights elements and identified elements such as that human rights education should include all elements of human rights and that human rights education in the administration of justice should be regarded as a priority area. At the national level, the Beijing workshop called for technical cooperation and advisory services to support the development of national plans for human rights education and for the development of sectoral-based human rights education projects.

² UN Doc E/CN.4/1998/50 Regional Arrangements for the Promotion and Protection of Human Rights in the Asia Pacific Region

³ Intersessional Workshop on National Plans of Action for Human Rights Education in the Asia-Pacific Region (Tokyo, Japan, 17-19 January 2000)

⁴ Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, Beijing, China, 1-3 March 2000.

⁵ Unlike other regions of the world, the Asia-pacific region lacks a regional human rights mechanism, such as a regional human rights treaty.

Annex 3: Australia-China Dialogue and Human Rights Education

Australia and China have been pursuing an official human rights dialogue since 1997. The dialogue addresses a range of issues at the thematic and practical level. Human rights education was introduced as a thematic issues addressed in the dialogue process during the latest meetings held in Australia in the second half of 2002. Technical cooperation as part of the dialogue is substantially concerned with projects that involve human rights education. This is a notable area of contribution to human rights education in China by Australian institutions. Among the projects that are underway are projects regarding freedom of speech, to strengthen reporting capacity under the International Covenant on Economic Social and Cultural Rights, to train prison officers in the protection of prisoner rights, to provide training in the rules of evidence and prosecutorial skills and to undertake judicial training. Both the All China Women's Federation and the Chinese Academy of Social Sciences with which we met referred positively to the work they were undertaking jointly with Australia in this regard. During our visit, Dr Tan suggested both to the Australian Ambassador and to Chinese officials that we spoke that there would be merit in considering the inclusion of human rights education as a thematic issue in the dialogue.

Annex 4: List of Representatives and Officials With Whom We Met

Ministry of Justice

Mr Xiao Yishun, Director, Department of Legal Publicity, Ministry of Justice
Mr Zhang Yi, Director, International Division, Department of Judicial Assistance and Foreign Affairs, Ministry of Justice

Ministry of Education

Dr Wu Degang, Director-General, Department of Policy and Regulation, Ministry of Education
Dr Wang Jiaqin, Division Director, Department of Policy and Regulation, Ministry of Education

All China Women's Federation

Ms Zhang Jing, Director General Department for International Exchanges

State Ethnic Affairs Commission

Ms Feng Lan, Deputy Director, Department of Education

China Society for Human Rights Studies

Mr Zhou Jue, President, China Society for Human Rights Studies, Former Ambassador to France, Standing Member of the Eighth National People's Congress
Professor Sha Qiguang Deputy Secretary-General CHRSS
Professor Shes-Rab Nyi-Ma, Central University for Nationalities, Vice President, Professor of Tibetology
Professor Zhang Hongyi Professor of History, History Department, Beijing Normal University
Judge Shao Wenhong, Deputy Director, Research Department, Supreme Peoples Court
Ms Zhang Xiaoling, Center for Human Rights Studies of the Central Party School of the Communist Party of China
Mr Chen Hui, Managing Editor (retired) China Daily

Professor Chen Zhi-Shang Department of Philosophy, Research Centre of Hominology,
Peking University

**Chinese Academy of Social Studies, Centre for Human Rights
Research**

Professor Liu Hainian, Director of the Centre for Human Rights Research, CASS
Professor Liu Nanlai, Deputy-Director of the Centre for Human Rights Research, CASS
Professor Huang Lie, Deputy Secretary General of the Centre for Human Rights
Research
Mr Li Zhong PhD Candidate Centre for Human Rights Research, CASS
Mr Bi Xiaoqing, PhD Candidate Centre for Human Rights Research, CASS