



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE HUMAN RIGHTS SUBCOMMITTEE

**Reference: Human rights and good governance education in the Asia Pacific region**

THURSDAY, 3 APRIL 2003

PERTH

BY AUTHORITY OF THE PARLIAMENT

## **INTERNET**

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

**JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

**Human Rights Subcommittee**

**Thursday, 3 April 2003**

**Members:** Senator Ferguson (*Chair*), Senators Bolkus, Cook, Eggleston, Chris Evans, Harradine, Hutchins, Johnston, Sandy Macdonald, O'Brien, Payne and Stott Despoja and Mr Baird, Mr Baldwin, Mr Beazley, Mr Bevis, Mr Brereton, Mr Byrne, Mr Edwards, Mr Laurie Ferguson, Mrs Gash, Mr Hawker, Mr Jull, Mr Lindsay, Mrs Moylan, Mr Nairn, Mr Price, Mr Prosser, Mr Scott, Mr Snowdon, Mr Somlyay and Mr Andrew Thomson

**Subcommittee members:** Senator Payne (*Chair*), Senators Bolkus (*Deputy Chair*), Ferguson, Harradine and Stott Despoja and Mr Baird, Mr Brereton, Mr Laurie Ferguson, Mr Lindsay, Mrs Moylan, Mr Price, Mr Somlyay and Mr Andrew Thompson

**Senators and members in attendance:** Senators Bolkus, Payne and Stott Despoja and Mr Baird

**Terms of reference for the inquiry:**

Human rights and good governance education in the Asia Pacific Region.

**WITNESSES**

**IFE, Professor James William, Haruhisa Handa Professor of Human Rights Education; and  
Head, Centre for Human Rights Education, Curtin University of Technology ..... 1**

**MALCOLM, Chief Justice the Hon. David Kingsley, Member and Treasurer, National  
Committee on Human Rights Education Inc. .... 25**

**RYAN, Professor Janice Patricia (Private capacity) ..... 13**

**THOMSON, Ms Patricia Kay, Honorary Executive Director, National Committee on Human  
Rights Education Inc. .... 25**

**Committee met at 11.33 a.m.****IFE, Professor James William, Haruhisa Handa Professor of Human Rights Education; and Head, Centre for Human Rights Education, Curtin University of Technology**

**CHAIR**—Good morning, ladies and gentlemen. This is the first public hearing as part of the inquiry by the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade into human rights and good governance education in the Asia-Pacific region. We are rapidly nearing the end of the UN Decade for Human Rights Education, and Australia, as arguably one of the world's most successful democracies, is in a very good position to make—and indeed does already make—a strong contribution to human rights and good governance education in the Asia-Pacific region. We have three witnesses appearing today who represent significant initiatives that will have a considerable impact on Australia's contribution to the UN Decade for Human Rights Education. We will hear from Professor Jim Ife, Professor Jan Ryan and Chief Justice David Malcolm respectively.

I welcome Professor Ife and declare open this public hearing. Professor, the committee intends to conduct today's proceedings in public, although should you wish at any stage to give evidence in private you may ask to do so and we will consider your request. While the committee does not require you to give evidence on oath, I do remind you that these hearings are legal proceedings of the parliament and therefore warrant the same respect as the proceedings of the chambers. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. I would like to invite you to make some opening remarks before we proceed to questions.

**Prof. Ife**—I would like to start by thanking the committee for the opportunity to appear today. The Haruhisa Handa Chair in Human Rights Education was established in 2002. I was appointed to the chair in December, and I took up the position at the end of January this year, at which time we set up the Centre for Human Rights Education, within which the chair is located. So we are still very new. The strategic positioning of the centre at Curtin University is significant, given that Curtin is a university with an explicit corporate commitment to human rights. It is a university with both a strong commitment to the Asian region and a proven commitment to Indigenous education. The advantages of being located in such a university are already becoming apparent to us in the interest and support that we have received from all levels of the university, from the chancellor and vice-chancellor down.

There are four key elements in the philosophy of the Centre for Human Rights Education that I would like to highlight briefly. First, we take a very broad view of education, seeing it as relating not only to the formal education system but also to community education—raising public awareness of human rights and encouraging people to understand human rights in terms of their daily lives and how they interact with each other in families, workplaces, communities and local, national and global associations. Second, we take a multidisciplinary view of human rights. Unlike many other human rights centres, we are not located in a law faculty; we are located in the humanities division at Curtin University and have all the interdisciplinary and interprofessional interaction that such a setting implies. We see human rights as being not only concerned with laws and conventions—important though those are—but also about how we define and share our common humanity through our understanding of and respect for the rights of others. Hence, we will involve scholars and researchers from a wide range of disciplines and

professions in our teaching and research program. I am pleased to say that we have no shortage of volunteers from across the academic staff of Curtin and, indeed, other universities in Perth. There are many academics who have expressed a strong interest in being part of the work of our centre.

Third, we aim to provide a strong link between scholarship and practice. We aim to bridge the gap between the scholar who theorises about human rights and the practitioner who wants to put human rights into practice. We aim to do this by saying that each needs to listen to the other so that the theory is well grounded in practice—that is, in reality—and the practice is soundly based on research and analysis. Fourth, we are committed to a genuinely cross-cultural approach. The chair is funded by Dr Haruhisa Handa, a Japanese with a deep commitment to the Shinto tradition, and it is strongly supported by Dr Eric Tan. I believe the involvement of both these men is particularly significant in this regard, sending a strong message that we reject the notion that human rights is a purely Western concept. We take the view that there are human rights traditions in many different cultures and religions—though they may not use the words ‘human rights’ to describe them—and we will seek to establish a teaching and research climate of genuine intercultural and interfaith dialogue. This specifically includes Indigenous understandings of human rights as well.

In the very short time in which we have been in operation, I have been enormously impressed with the high level of support for the centre from people not only within Curtin but also in other universities and centres with whom we have had contact and the wider community. We have an impressive and enthusiastic advisory committee, and I think the readiness with which those busy and committed people were prepared to commit themselves to the centre is an indication of the importance the community places on our work. We had no difficulty recruiting people to our advisory committee.

Although we envisage a broad range of activities for the centre—which are outlined in the document that we have submitted—our initial priority has been the establishment of postgraduate courses in human rights education and human rights practice, as described in the document. These masters courses have received unanimous and enthusiastic support from our advisory committee and our board of studies, and they have now been submitted to other levels of the university for approval. We hope to be able to start the marketing of these programs around June of this year.

We are already aware of a strong interest in these courses among potential students in Australia. But we also believe they will appeal to international students, particularly within the Asia-Pacific region. We believe that they will provide them with important knowledge and skills that can be applied in their own countries and will thereby increase the awareness of and commitment to human rights in the region and contribute to meeting Australia’s human rights education obligations. However, they will not necessarily be the sorts of students who can afford to come to study in Perth without some financial support. So in making this submission today we are seeking the committee’s support in recommending the provision of scholarships—for example, through AusAID—for students to undertake those masters courses, and for students to undertake PhDs. We also wish to explore the funding of visits and internships by scholars from other universities in the region so that we can achieve our goal of becoming a genuinely cross-cultural centre for human rights education.

**CHAIR**—Thank you very much, Professor. That is a very interesting presentation, in relation to the centre. Perhaps I should ask you whether you are planning to do any of your masters courses by distance education. Some of us could sign up.

**Senator BOLKUS**—Some of our colleagues could.

**CHAIR**—We might volunteer the odd colleague as well; that is true. I am interested in a number of the issues that you raise and I am sure my colleagues also have questions. I note that you participated as an international observer at the popular consultation in East Timor in 1999.

**Prof. Ife**—Yes.

**CHAIR**—When I was looking at your notes on the material you provided I noticed that you said that in the short courses you would be looking at things like human rights in business, human rights in governance, human rights in policing and so on. That strikes me as a very important component in the current Australian context, where we are involved significantly in a number of those areas, both through the Australian Defence Forces and through international civilian policing. Do you see any possibility of connecting the ADF's ongoing peace and conflict studies and things like that with what you are doing here?

**Prof. Ife**—I hope so. Yes, absolutely.

**CHAIR**—Would you contemplate approaching the police forces around Australia and alerting them to the sorts of opportunities you will be offering?

**Prof. Ife**—We have made no approach to them yet but that would certainly be a direction we would be interested in exploring.

**Senator BOLKUS**—I have been looking at your budget and trying to get some idea of your priorities. Is \$750,000 funding the total budget for five years, or is Eric providing some more?

**Prof. Ife**—That is the funding for the chair. Curtin University is providing some infrastructure support. But it is important that the centre develop its own funding sources. We aim to do that partly through enrolled postgraduate students and the fees that they attract. We will also be seeking research and consultancy opportunities. We are too new at this stage to be able to project very clearly what those will turn into. Certainly in the coming months we will be exploring possibilities for other funding sources.

**Senator BOLKUS**—Is there a priority list which shows where you are focusing, nationally and internationally? I notice you mention course material development and human rights education development. To what extent do we have to reinvent the wheel? Is there a lot of that material around the place?

**Prof. Ife**—There is certainly a lot of important material around in relation to human rights education. For the Asia-Pacific focus we want to have, we would like to tap into some of the work that has been done in places like the Philippines, where human rights education has been very well developed. Of course, that is located within a particular cultural context, and you cannot just take what works in one place to another place.

Certainly we see our focus as international. That was certainly the intention of Dr Handa when he funded the chair. He wanted it to be a centre that reached beyond Australia. By the same token, we do not want to be so focused on the international that we lose sight of domestic human rights education needs. Ideally, we would like to be a location for dialogue across different traditions of human rights.

**Senator BOLKUS**—Taking that one step further, in terms of that international focus to what extent are you prioritising, for instance, students undertaking courses either here or online? I would like to get to the online stuff later, but are you contemplating working with other organisations in the region—for instance, the UN? Has anything progressed down that road?

**Prof. Ife**—We have not been going for long enough to have established those sorts of links; we have been going only a couple of months. We have already had interest from some organisations in the region. I have mentioned Forum Asia, which is an umbrella body for human rights NGOs in the Asian region; I had contact recently with the Commonwealth Human Rights Initiative, and their office in London are also very interested in doing things jointly with us. These are certainly avenues that we would want to explore.

**Senator BOLKUS**—And the online stuff?

**Prof. Ife**—We do not at the moment have the resources to go online, because we are new and there are not many of us. If there were resources available, we would certainly want to be exploring that. I think we see that as a direction to go in the future—bearing in mind, however, that there are also difficulties about intercultural dialogue online. That is not as easy to do as it is when you are face to face with somebody. I do not think we would see our role as being primarily providing online education, but we would look at the possibility of courses being online if resources became available.

**Mr BAIRD**—Have you put in bids for AusAID funding to run human rights programs in the region, particularly in South-East Asia?

**Prof. Ife**—We will be, but we have not yet. We have the problem of having been going for only a couple of months, and there is only so much that one and a half people can do. Certainly that is our intention as a matter of priority.

**Mr BAIRD**—Obviously, the more you bid for funding, the more that the cash flow starts to operate.

**Prof. Ife**—Absolutely.

**Mr BAIRD**—The program you are running seems very worthwhile. There was mention made of the police force et cetera at the state level. Are there any expressions of interest in running courses at the federal government level?

**Prof. Ife**—Again, not as yet. But it is something that we would be very interested in exploring. We see developing and offering courses like that for such bodies as an important role for the centre, in conjunction with others.



**Mr BAIRD**—Following on from Senator's Bolkus's comments, is there a possibility for the university to go into South-East Asia specifically to establish its own units with its own lecturers? There are benefits with online courses as well. RMIT has a very successful model.

**Prof. Ife**—Yes. Curtin has a campus in Malaysia, and there is a possibility, obviously, of our locating something there. There is certainly interest from a colleague of mine in South Korea in our having some involvement there. I think there would be opportunities to set up things with other universities.

**Mr BAIRD**—Will the focus be on human rights in a pure form, or are you going to broaden things out to include good governance and all that entails?

**Prof. Ife**—Given that we are a centre for human rights education, we have to maintain a primary human rights focus. Good governance is clearly part of that. I would see the whole notion of good governance being about the furthering and respecting of human rights. So within a context of human rights education, good governance is critical. I would say that it is one of the preconditions, if you like, for the realisation of human rights. I see the two as closely connected. Within our overall mandate, there is certainly a unit on issues of governance in the masters program. Obviously, like all new courses getting off the ground, when we get more of a feel for the market we will probably want to develop further units and further specialisations in particular areas. We see the courses that are here as a starting point.

**Mr BAIRD**—Sorry, I missed the beginning; I apologise to the chair and to you. What number of students have you got doing the masters?

**Prof. Ife**—At the moment we do not have any, because we have just put these proposals up. We are looking to take our first students next year. In terms of numbers, it is very much what the market produces. We would like to be starting with 20 or 30. Those are the sorts of numbers we have in mind.

**Mr BAIRD**—Predominantly from Australia?

**Prof. Ife**—We would like to see a mixture of Australian and international students.

**Mr BAIRD**—Have you got agents appointed in other countries to look for students for you?

**Prof. Ife**—Not yet, but we want to work on it.

**Senator STOTT DESPOJA**—On that last point, you mentioned scholarships. I was not sure from your opening remarks whether you were talking about scholarships aimed solely at overseas students or whether you were talking about scholarships provided for domestic students as well.

**Prof. Ife**—I think that they are two different markets, clearly. I think there is a role for scholarships for domestic students—I am thinking particularly of Indigenous students. Certainly colleagues at the Centre for Aboriginal Studies at Curtin have indicated that they believe that there would be quite a number of people from within the Indigenous community in Australia who would be interested in doing such courses. I think the second category of domestic

students, if you like, includes people working in a range of occupations who see a human rights perspective as being important. I think that applies to a number of people in professions. My own previous professional background was in social work—looking at how social workers can work from a specifically human rights perspective—and community development, which is my other hat. Community development is about human rights, so I think there is a market there. I think there is also a market domestically with people who see themselves working in NGOs—and development agencies of various sorts, whether government or NGO. I think that is the broad range of people we would be looking at domestically. Internationally, I think the market is there for people who are going to be playing key roles in their societies in the future—whether in development agencies, government agencies or whatever.

As I said, my view of human rights is a broad one. I think it is not just about human rights legislation and understanding what it means and what are the accountability mechanisms—though these issues are obviously very important—but also about how we treat each other as human beings. Human rights education is about encouraging a debate and a dialogue on what it means to incorporate principles of human rights in a wide range of human activity.

**Senator STOTT DESPOJA**—In relation to money, you have obviously made an appeal to us today. I am just wondering what contact, if any, you have had with other agencies—specifically government agencies, either state or Commonwealth—and what support might be forthcoming. It is one thing for us to promote that, but I am wondering if you have had any indication, either through the university sector or more broadly, that you will get financial support?

**Prof. Ife**—We have not had a chance yet to be talking to the people we need to talk to.

**Senator STOTT DESPOJA**—I understand.

**Prof. Ife**—As I said, our priority was to get the paperwork for these courses done. The paperwork required for getting courses up, and the consultation you have to go through, is quite significant. We have just reached the stage of having done that—having launched them through the university system that they have to go through. The next phase, I think, of our development, is to be making those contacts that you are talking about. But we would certainly be hoping to approach a number of agencies around precisely that.

**Senator STOTT DESPOJA**—No more money talk.

**Prof. Ife**—Great.

**Senator STOTT DESPOJA**—How is Australia faring in terms of the UN Decade for Human Rights Education and the various goals? What is your view of our progress?

**Prof. Ife**—My view is that we could do more. Australia's reputation in human rights is ambiguous at the moment. We are seen by many people as perhaps not supporting human rights in the way that we were seen to support them 10 years ago. On the other hand, I think for people who come to Australia the opportunities are there to be engaged in human rights education. I would like to see Australia taking a stronger role in human rights education, in terms of

promoting the debate and creating community awareness. I think Australia are in a position to be providing leadership in that area, and I would like to see us doing more.

**Mr BAIRD**—In what areas do you think we have dropped the ball in the last 10 years?

**Prof. Ife**—I am thinking about the way in which Australia used to be seen internationally as a very strong supporter of human rights treaties and conventions, and as setting an example to many other countries about commitment and international obligations for human rights. I think there is a perception that Australia have moved away from that and are no longer seen as a leader. That is certainly my understanding from talking to a number of people. In my time of involvement with Amnesty International in the mid-1990s, that was certainly the impression that Amnesty International had, as well, of Australia's participation internationally in human rights. As I said, I think that is somewhat separate from human rights education, because I think human rights education is about raising debate and raising awareness. But the two go hand in hand, because it is a bit hard to be saying that human rights are important if we do not follow that through by meeting our international commitments.

**Senator BOLKUS**—Is the climate such that it is counterproductive if you do not have the broad general direction? It must make it harder for the sort of work that you are doing—to raise an appreciation of the importance of human rights.

**Prof. Ife**—I actually believe that there is a lot of interest in human rights in the population. I find just in talking to people about the centre and what we are doing that people are interested. They are saying, 'That looks really interesting; I would really like to be engaged in that.' To use an example, a PhD student I have at the present is looking at human rights in aged care facilities in Australia. She is looking not at the lovely statements that might be made by a department or by a nursing home about the rights of residents. She is talking to people in aged care facilities and their families about how they see their rights and whether or not they see their rights being realised. She is finding that people are really interested in engaging in that, in having discussions about what their rights are, how they see them, whether or not they see them as being violated and how they describe their rights, which is often in a very different way from the way that we in government departments might describe the rights of people in aged care facilities. I think there is a public interest and willingness to engage in debate at that kind of level.

**Senator BOLKUS**—You say that, and that is where I get really frustrated. For instance, work was being done about aged care—probably more extensively—10 years ago, on the rights of not just those in mainstream aged care but those with different cultural backgrounds, who are in many ways doubly discriminated against. You talk in your program about cultural diversity and approaching the public sector. There was a whole raft of programs then, raising awareness about cultural diversity and the benefits of it. It looks as though 10 years later we are, in a sense, reinventing the wheel—but with more stop signs in our way than we had 10 years ago. For instance, I cannot see any perceptible improvement in aged care in that period. You would have thought that 10 years later, with an ageing population—particularly a population with a migrant background, which has greater needs in terms of language and cultural appreciation—we would have progressed.

**Prof. Ife**—In something like aged care, it is one thing to have the willingness to do something and it is another thing to have the resources to do it.

**Senator BOLKUS**—In terms of government responses is there a willingness to do things in the area of aged care?

**Prof. Ife**—In terms of government responses, I suspect there is a willingness to commit to human rights. I do not know that there is necessarily a willingness to follow through with the necessary resources. When you look at human rights in aged care facilities, the issues that emerge are things like people's rights to be able to finish watching their favourite TV program before they are hustled off to bed. That is what is important to people. They are hustled off to bed because the staffing is not there to enable the sort of individualised attention that people feel is their right. So I think the connection with resources is—

**Senator BOLKUS**—Isn't it even more basic? Aren't the issues in aged care facilities things like being able to communicate and be understood, appreciating the food of your culture and laying out the furniture in your room? There has been a long history of intolerance of Asian people doing that. Those things do not really need a lot of money.

**Prof. Ife**—Yes, that is true.

**Senator STOTT DESPOJA**—I would like to ask a question about international reputation. You talked about perceptions—and obviously there are gaps between perception and reality—and you talked about the change over a period of time. I wonder whether you attribute that to anything in particular? Obviously the asylum seeker-*Tampa* event was quite an infamous incident. There may be other issues that we would point to as problematic in terms of human rights, but that is one example of a worldwide event. Is the change in perception attributable to something in particular like that? I think we all have stories about things like that. Another example I use is Pauline Hanson and the fact that when committee members travel—certainly in the last few years—there has been this uncomfortable association. That is my personal perspective, and I think it is possibly shared by others on this committee. It is amazing how a couple of events can be so significant. Because they get that international attention, they have a deleterious impact on our reputation. Is that what you mean when you say the perception has changed?

**Prof. Ife**—I certainly think incidents like the *Tampa* have had a major impact, but I also think that the government is perceived to be reluctant to sign off on treaties and conventions and to have vacillated about the criminal court. Where Australia used to be seen as a country that enthusiastically supported such international conventions, it is now seen as a country that is reluctant about them; it thinks about them and is sometimes not prepared to enter them.

**CHAIR**—Not that there is anything wrong with thinking about things.

**Prof. Ife**—Absolutely.

**Mr BAIRD**—I would point out that we did actually agree with two.

**Prof. Ife**—We did, yes, absolutely.

**CHAIR**—In some ways that brings us full circle in the discussion on human rights education and how you actually maximise the benefits of effective human rights education—and a chair such as yours plays a very important role in that process. You talk, in some of your documentation, about the gap between the human rights scholar and the human rights worker. I would be interested in your exploring that a little further for us.

**Prof. Ife**—In the human rights movement there have been lots of human rights activists who have wanted to make a difference. They have been engaged in organisations like Amnesty and so on. My experience is that often such people see the human rights scholars as having their heads in the clouds—talking about whether you can really have human rights in a post-modernist world et cetera—while they want to get on with the job of changing the world. Similarly, human rights scholars have often been rather contemptuous of activists, saying, ‘They don’t really understand the full implications of what they are doing,’ and so on. This has been pointed out in the literature as well. I could identify places where people have talked about that gap between scholarship and practice or action and the very strong need to bridge that gap, so that each can inform the other.

**CHAIR**—Is that for the benefit of the scholar or the benefit of the worker?

**Prof. Ife**—Both; I think scholarship is improved if it is grounded in the real world.

**CHAIR**—So they understand each other better.

**Prof. Ife**—I know that, from my own experience of what happened yesterday. It was wonderful to be in a seminar where we were starting to talk about the theory of human rights when a woman from Mozambique said, ‘But what about the poor women of Mozambique? They are starving.’ You need to be constantly brought back to reality.

**CHAIR**—This committee has previously examined the link between aid and human rights per se—and the Scandinavian approach to provision of aid to advance human rights versus the alleviation of poverty. We have tried to wrestle in a mild way with those two priorities, which is always interesting.

**Prof. Ife**—It seems to me that you cannot have one without the other. Poverty alleviation is clearly a human right, so those things—the provision of aid and human rights education—go hand in hand. If aid is not given from a human rights framework it is less likely to be effective. That is what I meant when I was talking about integrating human rights into a number of things that we do, including understanding aid. That is the way I think about that.

**Mr BAIRD**—In terms of the reputation of various universities in the human rights field, which would you regard as the pre-eminent school around the world?

**CHAIR**—Professor Ife would be saying ‘Curtin University of Technology’ pretty quickly.

**Mr BAIRD**—Apart from your university?

**Prof. Ife**—That is a very hard question to answer because there are human rights scholars located in a number of places in different universities. In the Australian context, there are good

things happening at the Human Rights Centre at the University of New South Wales. Internationally, some of the work being done by some of the people in India is interesting—as well as the work being done by the more traditional human rights scholars in North America and Europe. Where else could I mention? There are several American universities that one can think of in terms of human rights, including the law schools. I tend to think more of individuals than of places. I think of human rights writers like Richard Falk and Johann Galtung, who is visiting our centre next week.

**Senator BOLKUS**—I have a question about the workers and so on. I think you will excuse people for thinking that maybe human rights has a boutique type of clientele.

**Mr BAIRD**—That is an interesting choice of words.

**Senator BOLKUS**—Are your courses focusing on how to educate those who normally would not come into contact with the debate? For instance, how do you tackle the pernicious effect of talkback announcers? How do you get an appreciation in the workplace that when you talk about human rights you are actually talking about those individuals' rights, as well as anyone else's?

**Prof. Ife**—Yes, this is a great challenge. As I said, it is about bringing human rights into the places where people are, rather than seeing them as somewhere else. To me the important thing about teaching human rights in schools, for example, is not so much what you teach but how you teach. I am of the view that when we look back at our school days we remember not so much what we were taught but how we were treated. I believe that one teaches human rights by the way one deals with bullying, by the way one deals with racial diversity and Indigenous students and by the way one goes about showing respect for others and so on. That modelling is important. To me, it is not necessarily about saying, 'We are going to have this education program to teach people'; it is about working on ways that human rights can be modelled and can be introduced in the way we do things.

**Senator BOLKUS**—I remember during the debate on the Australia card—and I was strongly against it—the relevant minister at the time made the accusation that privacy and human rights was a middle-class issue. To me, it may be of concern to that part of the community, but the effects of diminished human rights and civil rights affect those who are powerless in our society.

**Prof. Ife**—Absolutely.

**Senator BOLKUS**—That is the gap; I would like to see how you focus on that.

**Prof. Ife**—I would agree that that is an important focus.

**Senator BOLKUS**—Just on a self-indulgent matter: human rights and different religious traditions. Do you have a suggested reading list that I could focus on? That is one of my interests.

**Prof. Ife**—I am sure we could find some literature on that.

**CHAIR**—Make him pay HECS, though.

**Senator STOTT DESPOJA**—What would be the postgraduate course fees? The reference to HECS: obviously you are talking about postgraduate and masters course work fees. You are talking considerable amounts of money without scholarships?

**Prof. Ife**—Yes.

**Senator STOTT DESPOJA**—How much of that is a concern to you? Obviously that is part of universities these days.

**Prof. Ife**—It is a concern, because it is not like offering a business degree where many employers will see the relevance of it and where many students will be able to meet the costs. We would like to have people enrolling in these courses who simply cannot afford to do them. I mentioned Indigenous students as well in relation to that. So it is going to be important for us to seek from a number of sources, including scholarships, support for students and the like. I cannot, off the top of my head, tell you the level of fees because they get set by people other than me. But yes, I think they are going to be prohibitive for some people.

**Senator STOTT DESPOJA**—You commented that you would seek funding or you would compete for funding from various sources. The centre will bid for competitive research funding from appropriate sources?

**Prof. Ife**—Yes.

**Senator STOTT DESPOJA**—Presumably that is not simply Commonwealth grants; you were talking business and industry?

**Prof. Ife**—Yes. We would obviously be going for Commonwealth grants. A project that really interests me—which I have had a preliminary discussion with Curtin Business School about, for example—is the human rights obligations of business. It is a project that Amnesty International in the UK did with businesses around their human rights obligations: businesses dealing with Asia and so on. What does it mean to think about human rights? That is an area I would really like to explore.

**Senator BOLKUS**—You could start with the mining industry?

**Prof. Ife**—Exactly. I think the mining industry—

**Senator STOTT DESPOJA**—Hasn't Curtin got an Optus chair? Isn't there a business chair?

**Prof. Ife**—Yes.

**Senator STOTT DESPOJA**—I am not sure how you would feel about that kind of corporate sponsorship, but it would be interesting.

**CHAIR**—As there are no further questions, Professor Ife, perhaps you would take on notice the reading list for Senator Bolkus in relation to human rights and different religious traditions.

**Senator BOLKUS**—I have been asked to spread it around.

**CHAIR**—He will share it.

**Prof. Ife**—Yes, okay.

**CHAIR**—I think this is a very important way for the committee to start this series of public hearings, one reason being that we are doing it in Perth. We are not doing it in Sydney, we are not doing it in Melbourne. We have noticed some of the very important initiatives taking place in Western Australia in relation to human rights education, and it has been a good opportunity for us to make the most of this visit. Thank you very much for your contribution to the process. We will provide you with a copy of the *Hansard* transcript, on which you can correct any transcription errors as opposed to changing the sense of your evidence. Thank you very much for your contribution today.

**Prof. Ife**—Thank you very much.



[12.18 p.m.]

**RYAN, Professor Janice Patricia (Private capacity)**

**CHAIR**—Welcome. Do you have any comments to make on the capacity in which you appear?

**Prof. Ryan**—Thank you. Although I am here as an individual, I do represent a number of bodies. In this capacity, I am on the United Nations Human Rights Committee. I am also on the state body of the Human Rights Education Committee. I lecture at Edith Cowan, and currently I am the only person lecturing in a unit on human rights in any of the Western Australian universities. That is the unit I take, and I am delighted that Curtin will now be offering a master's. This particular project I am convening is consulting a number of people and not representing anybody whatsoever.

**CHAIR**—Thank you very much for explaining that to us. Although the committee does not require the giving of evidence on oath, I am required to remind you that these hearings are legal proceedings of the parliament and therefore warrant the same respect as proceedings of the chambers. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. I invite you to make some opening remarks about the program in particular, and we will certainly proceed to questions after that. I had the benefit of hearing some of your remarks at the conference at ANU at the end of last year, so I think the rest of the committee will find this very interesting.

**Prof. Ryan**—I guess it is not very often that something excites you that passes your desk. When I first saw something about the Human Rights City Program, of which you may not be familiar, I was propelled into action. It was not so much the program itself that propelled me as the outcomes of the cities already playing a part in this development—in particular, the outcomes of a place called Kati in Mali. These outcomes range from very basic village problems to problems in the city itself. In its very first assembly, out of a population of only 45,000, there were 2,000 people who came to talk about what they thought they would like in a human rights city. It is those sorts of outcomes that—when I read this about these particular global programs—propelled me into action.

What is the program? It is a program under the auspices of the people's Decade for Human Rights Education, the group that is actually running the programs, which is endorsed by the United Nations. There are currently seven cities around the world that have endorsed themselves as human rights cities and started the programs. Four of them—in South America, Africa and India—have actually gone quite a long way into this program. The more recent ones have been in the Philippines and Bangladesh, and the last to be endorsed is in Graz in Austria. They are in the more primary part of the program; they are in a learning environment of the program.

The program has a number of aims, but clearly the aims change depending on the region, the demands and needs of the cities themselves—and, of course, of the states. In some cases—Mali, for instance—it actually started off more as a national program and then went into a narrow

human rights cities focus. In other places, it started off as a human rights city focus and then broadened into a national plan. So there are variations. Of course, you cannot look at the aims of small villages and the aims of, say, a city in Austria and see those aims as consistent; they vary. But it is a very broadly based human rights education program that tries to reach all people in the community, and it aims to achieve sustainable human rights culture.

I think it would be helpful to tell you the stages the program goes through, so that you understand what short-term and long-term goals are achievable. There are a number of stages. The first stage is really to bring together all people that we think would be involved in issues of human rights. Everyone can come. That includes NGOs, government, communities and individuals. They talk about what they would like in a human rights city and what sort of planning will be involved, and they move forward from there. Stage 1 is in process here in Perth at the moment. We are looking to bringing together a whole range of people to whom we would like to talk about what they might see in a human rights city.

I see stage 2 as being a really important stage. Everywhere I have gone—I have been knocking on doors now for a year talking to people about this project—people have got statistical evidence not only of violations of human rights but also of the services they provide. For instance, I went to the strategy department of the City of Perth, which has a lot of details about Aboriginal youth in Northbridge. Then I went to disabilities groups, and they had details of particular areas or broad-ranging schemes. But no-one before has ever brought together all their ideas and statistics and information on both violations and, of course, services.

Until we get this holistic picture of Perth, we really do not know where to start. Everybody has their own interests and their own particulars, but I think the document that I have called 'The state of Western Australia' will be one of the most important documents that comes out of this state. It will not only involve and inform individuals and communities, it will also inform governments and NGOs as well. With the new communication and relationships that will emerge, I suspect we will know a lot more about what sorts of violations occur in Western Australia and a lot more about some of the services which I suspect are actually duplicating themselves and could be used much more effectively. That is stage 2.

Stage 3 goes into a train the trainer program. I did a train the trainer program yesterday—you were talking about government agencies. I did a human rights training program with staff of the Office of Multicultural Interests. Those sorts of training programs will be for people in a whole range of areas: from politicians to trade and professional unions, to working people to individuals in community groups. As far as education goes, the program is far ranging, and I was interested to hear about whether we are talking to each other. We go to refugee protests, to peace protests—all these human rights things—and we seem to talk to the same people. There is no doubt about that. These training and education programs invite a whole range of activities that engage with children from pre-primary school right through the education range and with adults and the aged. So you have to be fairly flexible in what sorts of things you are offering, obviously. There will be play roles and a whole range of activities for children, and there will be formal education within the educational program. We hope that it will be an integrated process rather than a process which offers separate little units on human rights education, which we feel teachers in an overwrought industry at the moment may not have time to fulfil.

We want train the trainer short-term courses and long-term goals to be an integrated process. Along the way, it will be far ranging and not education as we see formal education, so there will be community groups that come together to talk about this. The reason behind this style of education is that, with community engagement, we believe people will take some ownership of what they see as violations and responsibilities, and they will look for ways of addressing these problems and come up with solutions as a way forward. In other words, they will find solutions to problems as well as identifying problems, and we see that as really important in involving the community.

There are some stated goals and aims in here, and you may have read them already—you have been given the documentation. I probably do not need to go through those but, rather, the broad concept of what we hope to achieve with this. It is not something that is going to happen overnight. We look to maybe a five-year outcome. I am always asked by government officials: what is the outcome you expect to achieve? What is the time line? Can we say six months to 12 months? Will we see those and tick it off? But it simply will not work like that. For a start, we cannot predict the outcomes until we ask people what they need. You cannot come from above with this. It will need funding and some process of good management, but at the end of the day, for it to work, it wants to reach the very people that we do not believe it is reaching. It is changing a culture and a mind-set. I urge you to look at the documentation and look at the outcomes of what these people have achieved already. I accept that you could be sceptical about some of the outcomes that we are hoping to achieve with this.

The last comment before I turn over to questions is that the idea of Perth is really quite a debatable one. We want it to be regional Perth, certainly not Perth city. We want to get to areas like Roebourne, where there are really strong Aboriginal problems. We will have regional links with these programs and educational programs, and we will ask people what they want in these particular areas. We cannot compare what we want here in Perth with what the people of Roebourne want. It is a big state.

Last but not least, why Perth? There are negative reasons about Perth, and it comes back to asking about our status in the world. The negative reasons about Perth are that we are the only state in Australia to have three detention centres, and we are the only state in Australia to have mandatory sentencing. We feel that we have a lot of work to do here, but, on the positive side, I also believe that we have very active people engaged in human rights in many forms—people who are engaged individually and people who are engaged in human rights and UN associations such as I belong to. We believe we have a lot of very positive people who can make things happen here, and that will make it manageable.

I agree that we need to turn around our mindset internationally, that we do not have a very good profile, and this is a way for us to actually show leadership, particularly in the Asia-Pacific region. I do a lot of work in China. I go there every year. I was in China when Pauline Hanson was around. I was giving a paper on our migration rules, and the question was: are we bringing in the White Australia policy again? People in Asia believed we were doing this.

I agree wholeheartedly: I think our reputation has been seriously dented. This gives us an opportunity to show leadership, to give a new form and direction to learning about human rights and to indicate that we are all learning. Perhaps by learning from other cities, other cities in Asia may also want to learn from us and then put in place part of this global program. It allows us to

connect with the other cities that have already done it and to be part of a global program on human rights education.

**CHAIR**—Thank you, Professor Ryan. My first question is about scale. Is it more feasible to do it around an area the size of regional Perth than in, say, Manhattan?

**Prof. Ryan**—Yes, most of the cities that have done it have had populations of between 50,000 and two to 2½ million. I think this is the scale of management that is needed to bring in this enormous project. I hope that then it would become an exemplar to other cities in Australia and to other places to move some of the ideas that we are putting in place here into a national plan. Those ideas include the integration of human rights education in the state of Western Australia and finding out what in fact Australian violations are and finding out all about our services—and integrating all those sources of evidence. So, yes, I think the scale is huge and it is more manageable in Perth.

**CHAIR**—How do you fund the process of bringing all this information together and of encouraging your group representatives to participate in steering committees and things like that?

**Prof. Ryan**—Funding has been a real problem. I have done this on top of my full-time work. The people who have been involved in it to this moment have also been working voluntarily. However, to go to stage 1, the Office of Multicultural Interests have indicated their support.

**CHAIR**—Is that a government agency?

**Prof. Ryan**—Yes, and the Perth Constitutional Centre have offered their venue free of charge. For this to really work, we do not need to be seen as part of a university or as part of government—or as part of any one entity, really. I think if it appears to belong to someone, it will fall dead on the ground, because it needs to be owned by a whole range of people. That is why I felt it was important, as a convenor, to not represent one of the hats that I have on here and for it to be seen as a joint initiative. Funding is a real problem. We have thought of a number of areas such as the Lotteries Commission, and we will be seeking funding. Funding will be a problem. Even stage 2, that huge research work on the state of Western Australia, will need researchers and writers and probably a band of people to bring it all together.

So funding is a problem. It is not one that we have overcome. I have only looked to stage 1 of the program for funding. I do not own this program. I want stage 1 to put in place a steering committee that is elected from the group itself. At the moment, the human rights education state committee are taking responsibility as the interim steering committee. There will be a representative group from that particular first stage. From then on, that particular steering committee will need to look for funding. But, at this early stage, yes, funding is a problem. We do need money to make it happen. I do not believe the United Nations in Perth or the Australian body has funding to be able to assist in this, and I doubt whether the United Nations Decade of Human Rights Education would have any funding. So, yes, funding is a problem.

**CHAIR**—Have you visited any of the other cities—Rosario, Kati or Graz—to ascertain how they have funded their stages?

**Prof. Ryan**—I have not been to any of the cities, and I would recommend in stage 1 that one of the earlier things we do is to get a small number of people—one or two—to go to a couple of these cities not only to find out how they have funded them but to specifically find out how they have gone about these stages. It is all very well having a plan of action, but how have they done it on the ground? I think we can learn from these cities. I would expect that one of the very first things we should do is to go and learn from those cities—just as I am suggesting that, hopefully, when we put ours in place others would want to learn from us. So one of the first funding opportunities I think we need to try to get is for someone to go to look at a variety of places—possibly one in Austria, as opposed to one in Africa—which would have different needs and different directions.

**CHAIR**—Finally, would that include looking at the sorts of benchmarks they have drawn by which they will judge their own success or effectiveness?

**Prof. Ryan**—I think that is really important. In the ones that are processed a long way down the track, like Mali, they have a number of benchmarks. They have the stats to show violations, crime rates and all of those sorts of things, so after you do those statistics you can have a statistical analysis. But on top of that they have personal recordings of how it has impacted people on the ground in home life, family life and school life. They have a whole interviewing process in place about how it is impacting individuals and communities—finding those benchmarks—so we can evaluate how we are going along the stages and, if it is changing mind-sets, what sort of community engagement is involved and what sort of government there has been. Those sorts of things are absolutely dependent on us having benchmarks along the way.

**Senator STOTT DESPOJA**—I have a couple of quick questions, as most of mine have been pre-empted by either your opening remarks or the chair's questions. This is one very simple question: who stamps off on this in the end? I understand the methodology, the idea behind it and with whom you have to associate. Is there some point at which you take this proposal, get everything in place, go through your five steps and then the UN actually accredits Perth as one of the cities in the program?

**Prof. Ryan**—I think that is a really good question, and it is probably one I have not thought of. All of the cities are announced as human rights cities, so places like Graz in Austria made in 2001 this great statement, 'We are a human rights city; we are going through this program.' In joining the program you became endorsed. When do you say it is successful along the way and who does stamp off on it? I guess this is part of the benchmarks of stamping off on part of it, but the idea is that it is to be a sustainable program so it is ongoing. I do not think there is an end to this program; I do not think in five years you can say, 'Okay, that's all done.'

Not all individuals are going to be convinced and change their mind-sets; not all communities, not all governments and not all of us. We will all have problems. I do not think at five years you can say, 'That's the end.' All we can do is look at periods of time after each step and stage and say, 'These have been successful; these have not been. We need to work harder, we need to do different things, we need to put in different ideas and strategies to make these happen and we need to understand it is to promote a sustainable human rights culture.' This is a huge task. It has never really been achieved, it will never be completely successful but it would be good if we could say three years down the track, 'Hey, look at what has happened here.'

Let me give you an example. The governments keep saying, 'Okay, we'll put in funding to assist in preventative health measures. We want to prevent health problems. It will save us money down the track and we can itemise the sorts of things that are saved by this prevention.' Governments do not think to put preventative funding into human rights. Yet, human rights can stop a whole range of things that are so expensive funding-wise, economic-wise and in crime, violence, personal rights, what it means to people and fulfilling people's needs. Funding seems to be this airy-fairy concept and yet it can be a preventative thing as well as a positive thing at the end of the day.

I think it is a very good question; it is not one I can answer. I can only suggest to you that we can have gauge marks along the way. If preventative things are done and there are very positive outcomes, we will be able to measure these because we are doing the documentation to start. We can also measure them by looking at whether the people themselves feel that there has been a change in outcomes. But at the end of the day it has to be ongoing. We have to put in our educative system a process that is ongoing so it is integrated and will continue.

**Senator STOTT DESPOJA**—That suggests quite a huge responsibility, in the sense that in order to sustain a human rights city your administration, government and NGOs are going to have to be resourced or sustained in their own way.

**Prof. Ryan**—Yes.

**Senator STOTT DESPOJA**—In the same way, I am curious as to whether or not someone gives you a tick at the end. Conversely, my bigger concern is that at some point the commitment to such a project would begin to wane, if there were no particular time frame—and I am not quite sure how feasible a time frame is, quite honestly—and people would not be moving in the hoped for direction. At that point people would say, 'This is no longer a human rights city, or a human rights city sort of aspirant.'

**Prof. Ryan**—Even endorsing something as a human rights city can be problematic. I have great anxiety about the validity of Perth being a human rights city at the moment. That is a personal problem, but you are right, it needs sponsorship and support from all levels in society. I have been to various people including the governor and people in councils and education. I am waiting to see the Premier, but there are also problems to do with different sorts of ownership groups, with Indigenous peoples and less abled people and others waiting to go forward to make sure that their rights and needs are protected. That is a huge task. So it will be quite difficult to tie that together. What I am hoping for from stage 1 is that the impact of so many people bolstering this process will ensure that those responsible, those in authority and those who can make it happen will want to be there. The indications from knocking on doors for a year suggest that that is the case. At no stage has anyone not supported this program.

**Senator STOTT DESPOJA**—That was going to be my final question. You talk about some of the negative reasons against Perth being in that position, but generally you talk about this being a city—and, indeed, a state—where there are a number of people and organisations who make it conducive to having such a city. I was wondering whether you had any champions, particularly in government, but you said that you are about to see the Premier.

**Prof. Ryan**—Yes, I am waiting to see the Premier. I have seen people from the Premier's office, and His Excellency the Governor and the Chief Justice, who follows this presentation. I have also seen Amnesty, Red Cross, refugee groups and United Nations groups.

**Senator BOLKUS**—The usual suspects.

**Prof. Ryan**—Yes, but all the people who are very much involved and engaged in this and wanting it to happen. It has been a process really of trying to develop interest in this before we get to the next stage. We are saying, 'Look, will you think about this and about what your needs would be,' in order to get people really actively communicating with each other on what they would want. At this stage I have had wholesale support from so many different areas that it is really interesting. But, as you said, we do have to turn it around to make sure that people not involved in NGOs or in formal ways become actively engaged as well. My work is mostly with ethnic minorities here, particularly Chinese people. I work in that area. But we are engaging with a whole range of areas to make it happen. In education, for instance, we need to go through a department activity and therefore we need people to want to make those changes. For them to want to make those changes they have to be involved in the process.

**Senator STOTT DESPOJA**—Would you please let us know what response you get from government? I appreciate the wholesale response, but I would not mind knowing the retail response of the Premier and the WA government. Could you advise us if you have something to tell us.

**Prof. Ryan**—Yes, sure.

**CHAIR**—I am not sure whether Senator Stott Despoja and I are thinking along the same lines, but it seems to me that you really do need someone who is in charge in Perth or in Western Australia at some particularly relevant level to say, 'Yes, good idea; let's own this,' and take it forward. I cannot help wondering if that may have been the case in the other countries and other cities.

**Prof. Ryan**—I think you are right; I am sure you are right.

**CHAIR**—You need the Mayor of Perth to say, 'This is a great idea; let's make Perth a human rights city,' or you need the Premier to say, 'Okay, here's a minister who is going to take an interest in this, and we are acknowledging how important it is.'

**Prof. Ryan**—I think you are right.

**CHAIR**—Otherwise I do not know how you actually progress it to the extent that you are obviously so passionate about doing.

**Prof. Ryan**—Yes. I think I would be hopeful if the Premier endorsed this. My strategy has been to surround the Premier, with almost all the people from his office letting him know that, this project having been discussed, we are now taking it to him to endorse and make the announcement about, although not to control from above as a government activity.

**Mr BAIRD**—And have you had discussions with the mayor?

**Prof. Ryan**—I have not had discussions with the mayor. We are in the process of looking at a new election for the Lord Mayor of Perth. I think we need to wait and see.

**CHAIR**—The city is having a new election?

**Prof. Ryan**—The city is having a new election. One recommendation put to me from local government was a recommendation to bring together the mayors of the various cities in regional Perth, so that one mayor does not have ownership of this. It is not Perth; it is regional and metropolitan. The recommendation was to bring together all the regional mayors to discuss this.

**Mr BAIRD**—It sounds like you are avoiding the current mayor. Are there reasons for that?

**Prof. Ryan**—There is going to be an election. I think it really is important to have change there. I think Perth city, like Western Australia in many ways, does not have a very good reputation.

**Mr BAIRD**—I declare an interest; the mayor is a friend of mine.

**Prof. Ryan**—Okay; I am glad I was cautious.

**Mr BAIRD**—But I also have to say that it sounds like you are hoping for a change in policy. You have to start off on a bipartisan basis. I would have thought you would have spoken to all the contenders and asked, ‘What’s your position on this?’ If you really do plan to bring it together, you cannot just work with one side of politics.

**Prof. Ryan**—Sure; it has to be bipartisan. I think it is a really good question, and I think the mayor of Perth has to be involved.

**Mr BAIRD**—Have you approached him for an interview?

**Prof. Ryan**—I have not. I have been to his strategy department; I am also seeing the Premier—I have not seen the Premier yet.

**Mr BAIRD**—Can I say, though, that if you are serious about having Perth declared a human rights city—

**Senator BOLKUS**—Bruce will organise a meeting.

**Mr BAIRD**—This is a serious question. If you are saying you want to declare Perth a human rights city, and if it has something more going for it than winner of a tidy town competition kind of status, I would have thought he would be right up there on the top. I would have thought you would put in a request to him and to all the key players to see the degree to which you can get bipartisan cooperation because, to a certain extent, good human rights should be like motherhood—everyone should be in favour of them, regardless of politics. Is that fair enough?

**Prof. Ryan**—I have seen people from all parts of politics, and I think that has been bipartisan. That is why it is important to be seen as not belonging to any group. My time has been spent seeing as many people as possible. I have not done a hierarchy of people. If I had a



hierarchy of people, the Premier would have already been seen. I have seen people who have been in important positions. I have also seen people who have been in local—

**Mr BAIRD**—How long have you been waiting for the Premier's appointment?

**Prof. Ryan**—I have been waiting on the Premier probably for a few months. In my defence—if I have to put in a defence and I am not sure that I do—

**CHAIR**—You do not have to.

**Prof. Ryan**—Thank you. On my way to see the Premier, I have seen a whole range of his officers from the multicultural and citizenship program, and I have communicated with and had discussions with a whole range of his departments along the way. Yes, I think the Premier is important and, yes, I think the mayor is important. These meetings will happen. I had to save my energy for a few months; I have just recently started knocking on doors again. I assure you that it will happen. I will not only see the Mayor of Perth but also the mayors of regional Perth.

I think you have identified a really important thing here, and that is the naming of this. This question has been raised with me a number of times. I have keenly suggested that it needs a name that suggests regional Perth or communities of Perth or even regional Western Australia. If ownership is located in one particular body, will others come on board and see themselves as having ownership? Perth city is a very small part of regional Perth and of Western Australia. I do not have the council or ratepayer numbers, but they are quite small. I would argue that this naming is very important. If you see Perth as being the focus of this, we really need to do some more work on this.

**Mr BAIRD**—It is always the same. The City of Sydney is a small area, but the profile of the mayor is always significant. Is your overall aim at the end of the day to have the city well educated in terms of human rights issues, to have governments aware of the implications of decisions on human rights issues and to have human rights education in schools, both secondary and primary?

**Prof. Ryan**—At the end of the day—and not only the people in the city but also the participants in the state.

**Mr BAIRD**—The minute something goes wrong that is not in accord with human rights is there a danger that people will say, 'There you go: they call themselves a human rights city and look what happened there'?

**Prof. Ryan**—The evidence from the other seven cities in the world has not suggested this. The positives and the inspiration that have been gained from this have carried them into new levels of education and new processes. I also take a lot of faith from Moira Rayner's very small ventures—for instance, on rights for children in London. To my knowledge, people have not turned around—they probably do on an individual basis—and said, 'Oh gosh, this person is still in the streets,' or 'This person is being harmed in some way,' or 'There are these violations'.

Positives have emerged from this. We can see how far reaching the education process has been. We can see how children have become actively involved with local government in having

their say. I think the positives are up front there. There is no doubt that this program will have people against it, there is no doubt that it will have hiccups and there is no doubt that along the way there will be a lot of people who are concerned that their particular areas of need are not being addressed instantly or to the extent that they need.

**Senator STOTT DESPOJA**—But you are quite up front about the fact that one of the reasons Perth was selected was because of—

**Prof. Ryan**—It was because of these problems.

**Senator STOTT DESPOJA**—Because of deaths in custody and detention centres.

**Prof. Ryan**—Exactly. That was my opening remark.

**Senator BOLKUS**—Who selected Perth and how? It is not that hard a question.

**Prof. Ryan**—It is not a hard question but, again, I do not want to take ownership of this. When I saw this project—

**Mr BAIRD**—If it is successful, you should: others will.

**Prof. Ryan**—In seeing this process, I could see a need in Western Australia for a similar development of a human rights culture.

**Senator BOLKUS**—So it was your judgment rather than some other organisation's judgment?

**Prof. Ryan**—Yes, it was my judgment. I saw this project. The first person I approached was Dr Eric Tan. I said that I had seen this project and I would like it to happen. His first comment was, interestingly enough, about the city, and he said, 'How about we make it Canberra?' I said, 'I think Canberra doesn't have detention centres, mandatory sentencing or problems to the same extent.' I still believe that Perth—whether Fremantle or Perth regional communities—is the place to have it, not only for all the negative reasons but also for the positive reasons that I pointed out.

We have very active individuals and NGOs—people in place who want human rights and human rights education to exist in Western Australia. I think we are well placed. From Eric Tan, I then went to the United Nations human rights education committee and started to get the ball rolling. Stage 1 will happen, and 2,000 people, hopefully—or hundreds of people—will get together and say, 'This is what we'd like in a human rights city; this is the plan of action we'd like. This is the development that will change the mind-set of people into a human rights culture.' I think those people will probably take a role in naming this program—whether they call it Perth, regional Western Australia or communities of Western Australia.

When stage 1 happens, a title will emerge, and we will make an announcement about our aims and strategies. People will become involved in the planning process. When you asked who named it, I was very reluctant to go into that, because right from the word go I have not wanted

to name it. I do not believe it is named yet. This is a proposal and the naming is part of that proposal. It is only at the proposal stage.

**Senator BOLKUS**—As a minister, if there was a pressing problem and people wanted immediate action, I was often frustrated by the system one way or another saying to me, ‘Let us have a holistic review of this in all its dimensions.’ The consequence of that would have been to defer any action for quite a while. Why don’t you just jump from the concept to human rights education? Everyone has done the identification of organisations and problems. We have had royal commissions. You can talk to the local Muslim community and they can identify immediate priority problems. Do we have to reinvent that wheel? If the objective is to actually raise awareness of human rights and its importance, why don’t we just jump to that?

**Prof. Ryan**—I think that is a really good question. As I have indicated, education is the prime mover in changing mind-sets. But, if we take it to human rights education, I wonder if it is going to be generated by the education department—that is, the range of activities I have suggested such as the small training programs; the community engagement, whether it is role-playing or with children, and all of those sorts of activities at the on-the-ground level. This needs to be more than taking it to the education department and saying, ‘Okay, in primary schools and high schools we need to do this.’ Rather, we are integrating it, as you said, from the Premier and parliamentarians through to ordinary workers, people at the ground level, including women at home and children in schools and all of those things. That is No. 1, along with who would take responsibility for that. Again, I agree with your question, and education in its broadest sense is important to that.

The other part of my engagement with the human rights city is that people need to become excited about this change. I sense disillusionment with many of the activities, both at state and national level. We have already talked about international ideas of Australia’s moving directions and the community’s concern about our country’s activities, particularly with refugees and detention. Those processes have drawn the attention of the United Nations and other countries. So to change the sorts of things that I am suggesting need changing, firstly, we need to look at the examples of other cities; secondly, we can see that they have excited communities and governments into action. You are becoming part of a global process that is endorsed by the United Nations and has recognition within the decade of human rights education. This might be a prime motivating factor to get a small population, regional Perth, together to make things happen.

**Senator BOLKUS**—I am sorry, but I do not find it exciting being part of a minority group that might be discriminated against. I do not know whether that should be the focus if you are really concerned about the discrimination that is going on against, for instance, Muslim Australia, Asian Australia or Indigenous Australia. I do not think those people ever get excited about being part of an international network. The Muslim community is more concerned about protecting the females in that community from attack; the Indigenous community is more concerned about kids sniffing petrol and so on. I do not see it as some sort of international fantasyland.

**Prof. Ryan**—I am sorry. I somehow must have misled you in my communication. This process involves learning at the very levels of an individual’s respect and dignity. It is about what human rights are and how we go about identifying violations to the individual in the

community, how we learn about empowering those individuals who are being violated—not only empowering those individuals on their own but also empowering those individuals to prevent it when they see it happening to others.

Perhaps my communication has not really been very good there, looking at what the goals are. I have gone through the steps and said that it is about changing the mind-set and culture and making it sustainable. But, at the end of the day, the people I have talked about from ethnic minorities see that the only way we are going to empower the individual is to have a realisation that we start this process of respect, ethics, morals and obligations as children. All of those processes start when we are children. Unless we start education processes at the child level, at the individual community level, these things don't happen. That is really what this is about.

**Senator BOLKUS**—I suppose my point is that you do not have to reinvent every part of the process. If you want to empower people in communities, you could very quickly identify the communities and you could quickly identify the sorts of education programs and the areas where education needs to be a priority. You could do that without going through—which I have seen many times before—programs like train the trainer and without further identifying the problems. We have had a long period of identifying the problems; they are not getting any better.

**Prof. Ryan**—I agree with what you are saying, but I urge you to look at what is happening in places like Mali and to read their outcomes and to read the personal stories about women whose husbands bash them. You will see how this process of community talk and discussion and understanding what rights mean is not this fairytale idea; men have come to the table and discussed these issues. I know that these things are happening in lots of places already. You say it can be done quickly. Some parts can be done quickly, because a lot of these activities are already happening; I agree with that. But as for really changing these attitudes, as already mentioned by the senator, this is an ongoing, long-time program that needs to bring together all these people, that needs to start somewhere. There can always be reasons why it should not start and where it should start and how far down the track it will go, but it is an ongoing process. Unless we start somewhere and raise these issues, will we actually bring about change?

**Senator BOLKUS**—I agree with you that it is a long program and that there are different ways of doing it. But, for instance, education is one part of an ongoing process for me. If you want to target domestic violence, I think you could probably start immediately with Indigenous communities. You do not have to go to Mali to look at that problem. I will leave it there.

**CHAIR**—As there are no further questions, Professor Ryan, thank you very much for your time this morning and for your submission to the committee. We are very grateful for the contribution you have made to our inquiry.

**Prof. Ryan**—Thank you.

[11.05 a.m.]

**MALCOLM, Chief Justice the Hon. David Kingsley, Member and Treasurer, National Committee on Human Rights Education Inc.**

**THOMSON, Ms Patricia Kay, Honorary Executive Director, National Committee on Human Rights Education Inc.**

**CHAIR**—Welcome. Although the subcommittee does not require the giving of evidence on oath, I should remind you that these hearings are legal proceedings of the parliament and therefore warrant the same respect as proceedings of the chambers. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the parliament. I would like to invite you to make some opening remarks before we proceed to questions. I also want to thank the National Committee on Human Rights Education for its very comprehensive submission, which has been of great assistance to the subcommittee in examining our terms of reference. We all look forward to discussing it with you.

We were also very pleased towards the end of last year to welcome the chairman, Dr Tan, to Canberra in relation to the certificate project that the committee has undertaken. I think it is fair to say that the small function we had in the parliament was very successful. We have gained the support of the Parliamentary Education Office for that exercise, and I think it will be a very productive one. I have been in the process of writing to state ministers for education, almost all of whom have responded positively to the initiative. I think we can make a very good project of that between our subcommittee of parliament, as far as we can make any small contribution, and the work of your national committee.

**Chief Justice Malcolm**—That is very gratifying. Thank you very much for that information. I would like first to explain how I came to be a member of the National Committee on Human Rights Education. My interest in human rights and good governance in the Asia-Pacific region is longstanding. In particular, my interest in human rights extends over the last approximately 40 years. In 1957, as a law student, I became concerned about the criminality of homosexual conduct between consenting adults in private, following the publication of the Wolfendon report in the United Kingdom. Following the royal commission into capital punishment in the United Kingdom about the same time, I came to the conclusion that the death penalty constituted cruel and inhuman punishment. In 1960, while at Oxford University, I joined the British section of the International Commission of Jurists. I have been a member of the ICJ for many years now. I was the inaugural chairman of the Western Australia branch between 1996 and 2002. I am currently vice-president of the Australian section of the ICJ.

I am also an ambassador of the Red Cross in relation to international humanitarian law. In 1967 I was appointed one of the counsel in the office of the General Counsel of the Asian Development Bank, based in Manila. In 1968 I was appointed Deputy General Counsel, a position which I held until the end of 1970, when I returned to Western Australia and resumed law practice here. I had by then formed the view that an effective, independent legal system was as much a part of the essential infrastructure for economic and social development as communications, transport, roads, the financial system and other institutions of government.

That is a view which, in more recent years, has been taken up by organisations such as the World Bank and the Asian Development Bank.

LAWASIA, the law association for Asia and the Pacific, was founded at a meeting in Canberra in 1966. I had been a member since the beginning of 1968, and became a life member many years ago. The objects of LAWASIA include the promotion and protection of human rights in the Asia-Pacific region. I was the official ICJ and LAWASIA observer at the treason trial of Mr Param Cumaraswami, then chairman of the human rights committee of the Malaysian Bar Association in 1984. I am a member of the council and the executive committee of LAWASIA and have been chairman of the judicial section since 1989. In that capacity I have chaired biennial conferences of chief justices of Asia and the Pacific since 1991.

I was primarily responsible for the drafting of the Beijing Statement of Principles on the Independence of the Judiciary in the Asia-Pacific region. The Beijing principles were adopted by the chief justices of 20 countries in the Asia-Pacific region at the sixth Conference of Chief Justices of Asia and the Pacific in Beijing in 1995. After some minor amendments to accommodate the accession of the Chief Justice of Japan to the statement of the seventh conference in Manila in 1997, the Beijing statement has been adopted by chief justices of a further 18 countries in the Asia-Pacific region. Given the diverse nature of those countries, it has been accepted that this was a remarkable achievement of consensus. The Asia-Pacific region is in fact the first of the United Nations regions to adopt a regional set of principles following the adoption of a broad set of basic principles, being the United Nations Basic Principles on the Independence of the Judiciary of 1966, which called upon the countries of each United Nations region to adopt an appropriate set of more detailed principles. Very recently, following the Asia-Pacific precedent, the chief justices of the United Nations region of Africa have adopted a similar set of principles.

Importantly, the Beijing principles expressly acknowledge the right of judges, within the limits imposed by their judicial office, to promote the observance of human rights in their respective countries. The starting point for that is to make a contribution to human rights education. In this context, it is worth while exploring the concept of good governance in the context of human rights in general—and the fundamental human rights in particular. The National Committee on Human Rights Education ran two very successful conferences in 2000 and 2002 and has proposed a third conference, with a regional focus, in October 2003. We have been invited to enter into dialogue with the China Society for Human Rights. Three delegates from the committee—the chairman, Justice Einfeld and our secretary—visited China and developed a very constructive dialogue with the China Society for Human Rights. This is a start in developing a regional perspective. We have been working with the cooperation of SBS on human rights educational programs to be promoted and presented by SBS. We are also giving some priority to the development of programs for human rights education in the workplace. The adoption of a citizens for humanity program—which was mentioned by the chair, Senator Payne, in opening—is another matter on which we are focusing our attention, with the emphasis on school based education.

I would like to mention that in Western Australia there is one legal education centre which has been making a very important contribution to education in relation to legal matters, including human rights, but in a very small way to date. It is an organisation of which use can be made in the future. Namely, it is the Francis Burt Law Education Centre. This is directed at

legal education in secondary and primary schools in a cooperative joint venture between the Law Society of Western Australia and the education department of the state. It is a legal education program.

The Francis Burt Law Education Centre is located in the original Supreme Court building, dating from 1837, adjacent to the Supreme Court. As I said, there are three officers from the education department who are seconded, and there is a committee of the Law Society which manages the program. There is very substantial input from professional educators teaching the structure of government, touching upon aspects of human rights, and the way in which the legal system operates. There is a mock trial knockout competition. There are approximately 80 schools which participate in that competition each year, and the final is judged in our top court by me each year. It is very substantially supported by the education department and by the department of justice, together with some private sponsorship. We have been working with the education department for more than a quarter of a century and have established a very good network of volunteer lawyers who act as coaches for the 80-odd teams that participate. It does give children an insight into the way in which their rights, including human rights, are respected within our society. A broader approach to human rights education in schools is necessary, hence we have put at the forefront of our recommendations the establishment of a centre for human rights.

**CHAIR**—And it leaves some of the participants with nightmarish experiences to remember the rest of their lives, Chief Justice, as a participant in the New South Wales mock trial process a very long time ago. Thank you very much for those remarks and for your comments in relation to a number of those issues. I am sure my colleagues have a number of questions. In the international committee's submission, I was particularly pleased to see a number of very specific recommendations which go to certain of our terms of reference and cover some of the key matters which we are going to be pursuing in the coming months. I want to ask you a couple of questions on two of those in particular, and then perhaps my colleagues will take up other areas. I am interested in the recommendations in relation to our bilateral human rights dialogues, which, as you know, are now with three countries: China, Vietnam and Iran. The Chinese are the most developed of the three. Your committee recommends:

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

Secondly, it recommends:

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

Does the committee have any engagement at all with AusAID or the Department of Foreign Affairs and Trade on how the human rights dialogues are constructed?

**Chief Justice Malcolm**—There have been consultations, but my understanding is that they have been at a fairly general level. Both of those departments participated in the conference in Canberra last October. I think that at the level of the chairman and at the level of our secretary those consultations have been continuing, together with other individual members of the committee who are based closer to Canberra, particularly those from Sydney. Those

consultations are continuing. One of the difficulties of course is that getting funding to travel to those countries that have been specified as being the particular countries with which we would wish to open dialogue is difficult to attain. As I understand it, both Dr Tan and Marcus Einfeld, for example, funded their own travel costs for the visit to China. There is, within our budget, no funding at all for any form of travel.

**CHAIR**—That is why we come to you.

**Chief Justice Malcolm**—Yes. There was a subsidy for the conferences which we have held, but there is no substantial ongoing funding. So we are circumscribed very much by that.

**Ms Thomson**—The committee actually have a policy and programs reference group that they talk to on a regular basis, I believe, in Canberra.

**CHAIR**—One of your national committee members, Professor Tay, has been a participant in the China-Australia dialogues both here and in China and has made a significant contribution. I know she certainly makes the Chinese sit up and take notice when she is on the other side of the table—I have been on the same side with her and I might say that I am always grateful to be on that side! That is a very important part of the process. When measuring the value and extent of human rights education in the region, placing it on the table is a good way to do that, particularly in regard to the China and Vietnam dialogue as a component that we should make assessable in terms of progress.

**Chief Justice Malcolm**—Yes.

**CHAIR**—I think we will have a look at that a bit further.

**Chief Justice Malcolm**—I know the committee would be very anxious to expand its activities in this area. The order of priorities that we have chosen, largely on expenditure grounds, has been China, Vietnam and then Iran.

**CHAIR**—We were also fortunate enough to be briefed in the last sitting fortnight by the President of the Vietnamese American Voters Association, Jackie Bong-Wright. She describes herself as a Vietnamese war widow turned activist, who makes it her mission in life now to raise human rights issues pertaining to Vietnam, in this region and in the United States, and have them pursued. We have been accumulating some quite useful information in that regard, and they are the sorts of things that we can progress. I will hand over to my colleagues and then I have a couple of other questions.

**Mr BAIRD**—I have a broad question first, which you may not want to answer. As someone who heads the human rights education area, do you feel that we have made progress? As somebody involved in public life, I sometimes wonder to what extent we have actually achieved a paradigm shift in the Australian view of human rights and its importance.

**Chief Justice Malcolm**—I am aware that there is a cynical view held by a group within the Australian population about our accession to some international human rights instruments and covenants. For example, the International Covenant on the Rights of the Child is being viewed in some quarters in Australia with some cynicism. I think that is a symptom of the need for



expanded work and a greater investment in human rights education in Australia. We tend to be a little bit insular about how we approach or receive reports by people who come from somewhere else to have a look at the situation in Australia—in whatever area it may be. I think we are a bit ultrasensitive about criticism in that context. The reason for that is perhaps not having a full understanding of instruments such as the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and other conventions of that kind. I think that does demonstrate a need to properly understand how it is, in some eyes, that Australia is at the forefront internationally of pressing for greater acknowledgment and observance of human rights, yet the level of education about those instruments within our own country, despite some very well-intentioned efforts on the part of a number of people and agencies, still leaves something to be desired.

**Mr BAIRD**—In regard to that, you cite the lack of human rights education for federal public sector employees. Does that suggest to you that we should be doing a lot more? I would appreciate any comments you may have on that.

**Chief Justice Malcolm**—I do not think I am in a position to make any detailed comments about that, except that one continually receives anecdotal evidence in the courts about people who have been given short shrift in their dealings with government departments, one way or another. I think there is a concept of due process: people who feel that they have been wiped off without being listened to or have not been given an opportunity to adequately put their case in relation to a particular matter. There is a consciousness in people in Public Service positions about the way people deserve to be treated. I think it is partly a symptom of the intense information technology age in which we live, where you telephone the bank and, if you have queries about X, you dial this number, and if you have queries about Y, you do something else. You go through some 10 options and perhaps not any one of them is entirely applicable to your case, so you go back and start again. That kind of approach when one is dealing with various government departments I think does put people off. There is a question of developing a series of programs of sensitivity, too, ensuring that people come away with a better knowledge about what their rights are in the context of their dealings rather than feeling that they have just been given a brush-off and not really understanding the reason why.

**Mr BAIRD**—Are you developing plans or training courses?

**Ms Thomson**—Workplace human rights has been on the backburner of the committee, mainly because of the fact that we are all volunteers and all of us have other lives. If we were resourced, I think that would be one of the initiatives that would come through the centre at Curtin. The proposal is that we have to lobby for the establishment of a national centre for human rights education. One of the focuses, I would suggest, would be looking at the workplace human rights issues and looking at the training and information dissemination.

**Mr BAIRD**—How is the Citizenship of Humanity project going?

**Ms Thomson**—I guess it is going slowly. The Victorian state committee have agreed to take the project on board through schools. I think they have agreement in principle from the education authority in Victoria. We were talking about doing a print run of about 400,000 certificates. At the moment, if I am very honest, it is going slowly. I have just seen some information from the Victorian committee, and they are quite keen to take it on board and are

committed to it. The Western Australia committee I briefed very recently, and I know Dr Tan is going to be speaking to them in the not too distant future, so I know there is action. I think the ACT committee are actually working already with education authorities and are proposing to get moving on it.

**Chief Justice Malcolm**—The background we just described reflects the rationale for what is our No. 1 priority recommendation: the establishment of a national centre with appropriate resources to be able to develop programs which can then be disseminated.

**Mr BAIRD**—To be located where?

**Chief Justice Malcolm**—That is a good question.

**Mr BAIRD**—Perth; ‘human rights city’?

**Ms Thomson**—The committee have not discussed a location. We are just very keen to actively lobby government to get support for it and also to fundraise from the private sector.

**Mr BAIRD**—Sorry to recap; you might have explained this. Where are you getting your funding from now? How much are you getting?

**Chief Justice Malcolm**—We get a very modest grant, so far on an annual basis, from the Attorney-General’s Department.

**CHAIR**—We are very encouraging of the Attorney-General to continue that.

**Ms Thomson**—The Attorney-General gave us some funding.

**Mr BAIRD**—How much is it?

**Chief Justice Malcolm**—We have had \$30,000 twice on an annual basis.

**Ms Thomson**—No, in total. We received another \$20,000 for the Citizenship of Humanity and other projects.

**Mr BAIRD**—And from the private sector?

**Ms Thomson**—We have \$10,000 from the private sector.

**Mr BAIRD**—From one company?

**Ms Thomson**—Yes; one company.

**Mr BAIRD**—Can we ask which company?

**Ms Thomson**—Rio Tinto. It was for hosting our national conference last year. Just yesterday I was at the printers with the fundraising brochure. So it is the big initiative over the

forthcoming months. Dr Tan probably will take a lead role in finding corporate sponsorship, and David will be assisting in that area.

**CHAIR**—It would be of interest to the committee to be kept informed as to those sorts of activities that the national committee is pursuing. Given that a number of us wear different hats—Senator Bolkus and I do this interesting double act whereby I chair this committee and also the Senate Legal and Constitutional Legislation Committee, and he is the Deputy Chair; Senator Stott Despoja often participates in the latter committee; Mr Baird and I are on a number of similar committees—and that there are some interesting communications and networks which would benefit from additional information from you, if you have an email list, Ms Thomson, to which you send updates, please add members of the committee.

**Ms Thomson**—Okay.

**Chief Justice Malcolm**—If we were to put an order of priority on our recommendations, the centrepiece or the key recommendation that we would make is A1 in relation to the establishment of a national centre on human rights education. Simply having virtually a volunteer committee, it is operating literally on a shoestring basis, and there is a grave danger that it will eventually be perceived simply as window-dressing and not as a substantive commitment by government or parliament to truly support, encourage and properly fund a national program of human rights education.

**Senator STOTT DESPOJA**—I certainly hear that recommendation. I now move on to one of your other recommendations; that is, the notion of encouraging the Australian government to lobby for a second decade. How do you envisage that would happen for human rights education?

**Mr BAIRD**—Let us finish the first decade.

**Senator STOTT DESPOJA**—I note that you have articulated very positive reasons why this should happen and the fact that the first has been an effective catalyst—I would like to talk about some of the negative things shortly—but I am curious to hear what role you envisage for the Australian government when you talk about that.

**Chief Justice Malcolm**—I think that it is important that this issue be maintained at an appropriately high level on the government's agenda. It has not yet fully got off the ground. While there have been some very worthwhile things done and quite a lot of energy expended, there is a lot of unfinished business and a range, within Australia and in many other countries, of unfinished business and business which has not yet started. I suppose there is this question: what is the priority to maintain a momentum internationally in this area? Or we, as a country, could simply say, 'We don't mind what anybody else does; we are going to go ahead and give it a high priority.' That is perhaps a matter for political decision. But we see it as one way of keeping this subject high on the international agenda in an era where international security is itself a very high priority. It is very easy, where there are focuses on security, for human rights to be given less attention. The circumstance at Guantanamo Bay is an indication of that, which is disturbing. It may be that there is a danger that the whole subject is passe so far as the United Nations is concerned. That, I think, would be an international tragedy. So whether it is to keep it at its appropriate place on the agenda, whether it is to ensure that there is no backsliding or

whether it is to maintain momentum, it seems to me that there are a number of reasons why Australia, which claims a leadership role in this area in the world, should actively support a second decade of human rights education.

**Senator STOTT DESPOJA**—Bruce asked you in his opening question about your perspective on human rights and human rights education in Australia. I asked an earlier witness a question about our international reputation. In one of your responses, you alluded to almost the wariness—to use the words of another witness—with which we seem to be dealing with international treaties and conventions. Could you give us your perspective? Is it simply a perception? Is it a reality? Is there no perception that our international reputation has changed?

**Chief Justice Malcolm**—If you take just one recent example, when former Chief Justice of India Bagwati came as a United Nations delegate to examine Australian detention centres, he was subjected to continued political attack and derision throughout the time of his visit here. I must say that I have had experience of him in the past when he was Chief Justice of India and where his contribution to the development of a consciousness of human rights observance in his country as chief justice was quite phenomenal. He became very highly respected throughout the English-speaking world. He was not really a radical, although he was a reforming chief justice. I thought the level of derision and contempt with which he was treated was quite disgraceful.

**Senator STOTT DESPOJA**—I presume that treatment does affect our international reputation.

**Chief Justice Malcolm**—It does. It puzzles many people because in other fora we are playing a very leading role in the development of human rights instruments and matters of that kind, and we have done in the past. I think that is, shall we say, disappointing.

**Senator STOTT DESPOJA**—You raise the issue that is obviously a current and future challenge for us—that balance between personal freedoms, human rights and the security and safety of the citizens. I have no doubt that this is going to be an ongoing debate in the parliament and generally. I note that you refer to terrorism and recent incidents and how that relates to the need for better human rights education. You also talk about the media. Could you expand on your views in relation to the media or the free and open press? We love the media as politicians, but we recognise the right of free and open media as an important part of good governance. You have a problem with AusAID's definition of good governance in relation to them not referring to the media. Can you expand for the committee your views on media's role?

**Chief Justice Malcolm**—Of course it is very difficult to make broad generalisations about the media. It varies very much from country to country. In some countries, there is a high level of censorship; in a number of countries, there is a high level of government intervention and control, whether formal or informal. Not all of the countries in the region—in fact, relatively few of them by comparison—have as free a media as we have in Australia. There are authoritarian traditions which apply in a number of Asia-Pacific countries and elsewhere in the world which affect that. So it is a very complex area.

I suppose there is a danger in generalising about what happens elsewhere, but it is important that what happens in Australia is that we have not only a free and open media but a responsible media that accurately reports as far as possible matters which are of public importance. For

matters related to human rights, we do rely very heavily on the media and how to secure their understanding and cooperation, why certain things internationally are regarded as improper or unfair, the responsibility which they have of ensuring that there are fair and accurate reports of what is happening in a particular country and to acknowledge the progress that has been made. It is still uneven, in my experience, particularly in the Asia-Pacific region. On the one hand, you have a country like the Philippines which has perhaps the most liberal approach; almost anything goes in the media in the Philippines. Yet you go to some other countries, and it is very difficult to get anything past censorship controls and that kind of thing.

**Senator STOTT DESPOJA**—So are you advocating a change in terms of the definition that AusAID has in relation to good governance?

**Chief Justice Malcolm**—I think it needs to be expanded. There was a conference in 2000 conducted by the World Bank which I attended and where I presented a paper. A number of sessions dealt with the concept of good governance. A lot of work has been done by both the World Bank and the Asian Development Bank on that. I can only speak in very general terms in this context, but I would like to see them expanding the concept to take into account all aspects of proper administration within government administration.

**Senator STOTT DESPOJA**—Thank you.

**Mr BAIRD**—The role of the media has become much more critical than in previous times. We think of the visit of Chief Justice Bagwati from the human rights commission. The reaction was fired up a lot by the shock jocks and their comments on him. There have been comments such as those from the *Telegraph*, which referred to the detention centres as ‘five-star resorts’, and comments feed off that. On the one hand, we have programs in the schools trying to change the culture; on the other hand, we have this whipping up of fervour, often on a thin and quite inaccurate basis. How do we address that? We believe in a free press, but the damage that can be done in terms of human rights issues is quite formidable. To me, it is one of the key aspects of it.

**Chief Justice Malcolm**—I can only agree that it is a very difficult problem—that is, sorting out what amounts to a kind of propaganda on the one hand from truth and accuracy on the other. The development of talkback radio in Australia has given certain particular individuals an excessive degree of access to the community which does not always seem to be taken advantage of in what might be a good governance context. I think the chase for ratings on talkback radio is unfortunate, but it looks as if it is a fact of life. It certainly is a fact of life in the United States, and it puts a tremendous onus on those who are leaders in the community to communicate what are the true facts and circumstances, the true reasons and the true facts and figures about matters concerning which there has been misinformation.

**Ms Thomson**—One of the things that came out of our conference last year was the notion of an active role for the committee in promoting both the concept of fair reportage and media training for journalists. There is the question of how we as a committee do that, as we are volunteers and do not have the resources to do it. But that was one of the focus points of discussion at the conference last year. Very critically, we have made a couple of moves, such as that Tuong Quang Luu has just joined our committee as a member.

**CHAIR**—Has he?

**Ms Thomson**—Yes, just in the last month.

**CHAIR**—We will add his name to the list.

**Ms Thomson**—I actually have a new list! As a committee, we are very conscious of the issue of fair reportage and we believe that training journalists is one of the key issues, as is perhaps advocating media prizes for good reportage and fair reportage.

**CHAIR**—On human rights issues?

**Ms Thomson**—Yes.

**CHAIR**—In some ways, that is done through World Human Rights Day on 10 December, where there are awards and recognition is made.

**Ms Thomson**—Yes, the UN Media Peace Prize.

**CHAIR**—At the end of the day, I am not sure our biggest problem is SBS radio!

**Ms Thomson**—They are our best example, probably.

**CHAIR**—Exactly! Though it is very good to have Tuong Quang Luu there; I agree completely. Chief Justice, you mentioned cooperation with the SBS in relation to human rights programs that may be presented. Can you elaborate on that?

**Chief Justice Malcolm**—I think Ms Thomson has the detail of that.

**Ms Thomson**—In 2001, they did a week of programming in 61 or 64 languages—I am not sure how many—on human rights issues. The committee actively supported the development of that, and we are proposing to nominate them for the UN Media Peace Prize on the basis of the work that they did because we believe they took a leadership role in developing that week of programming. We would again like to see some emphasis at the end of this year, given the current context of—

**CHAIR**—Is the relationship the committee has with SBS an ongoing relationship?

**Chief Justice Malcolm**—We hope so.

**Ms Thomson**—We hope so. I think one of the critical limitations on our committee was that we did not have representatives from the media at all.

**CHAIR**—Therefore, you have addressed that with the introduction of Tuong Quang Luu.

**Ms Thomson**—We hope.

**CHAIR**—We will explore as this inquiry progresses—and these are the first of our hearings—your suggestion in relation to a national centre for human rights education. I am also interested in your 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 ...

Who do you envisage would convene such a policy consultation? Would it be convened by the Attorney-General or a minister with similar capacity? What would the goals be?

**Chief Justice Malcolm**—We would hope that the Attorney-General would support this proposal. Both the conference we held last year and the previous conference were actively supported by the Attorney-General. The objectives were supported and a grant was made of some limited funds—seed money, if you like—

**Ms Thomson**—Seed money or administration money!

**Chief Justice Malcolm**—to cover some of the basic administration costs. We had a tremendous amount of support from the Ba'hai movement in terms of volunteers and administrative work unpaid, which would have cost a very significant sum had it been charged for. We managed to obtain some corporate support, which enabled it to go ahead. I think it would be financed broadly in the same way.

**Ms Thomson**—At our last hook-up, one of the members of the committee proposed an initiative to start progressing closer dialogue with equal opportunity commissioners and antidiscrimination commissioners. This was in the context that we felt as a committee that we were doing things and there was not necessarily a lot of crossover. We thought bringing the committee into the focus of the equal opportunity and antidiscrimination commissioners would be a very good initiative.

**CHAIR**—So that HREOC and then other similar offices around Australia know more about what the National Committee on Human Rights Education does?

**Ms Thomson**—Yes. We actually foreshadowed the idea of having a roundtable in Sydney towards the end of the year—although, given that we have a big conference coming up in October, it might be that it is early next year. There is a committee member who is very concerned about this and is interested in developing a working group in this area.

**CHAIR**—What are the goals you would be seeking to achieve with such a consultation?

**Chief Justice Malcolm**—I would put it this way. There are various committees, groups and government organisations which have an interest in this. We want to try to get them all together to sort out some common goals so that within our joint resources we have a bigger voice.

**CHAIR**—Limited as they appear to be.

**Chief Justice Malcolm**—There is a major resource problem. There are lots of wonderful ideas but it is a matter of finding the funds. If we can form an alliance of groups which have

common objectives in this area, we may be able to make more progress than we will make by acting individually and separately.

**Ms Thomson**—This must be seen in the context of the work that you have done with the Citizenship of Humanity project. You have actually brought us as a national committee closer to education authorities given that we are a human rights education committee. I think that was seen not so much as a model but certainly as an initiative that we could leverage in terms of working more closely with like-minded agencies and developing dialogue and consultation. I think the concept of roundtable was virtually agreed.

**CHAIR**—I have the germ of an idea—which should terrify my colleagues. Nevertheless, we will deal with it off the record so that I do not commit them to something they are not prepared to agree with me on. There are no further questions. I particularly want to thank you, Chief Justice, for your time today. We are acutely aware of the demands on your time and the very important roles that you play, at so many levels—some of which you have explained to us—so we are honoured by and grateful for your presence this morning and for your contribution and that of the National Committee on Human Rights Education to our inquiry. Thank you very much for your time.

**Chief Justice Malcolm**—Thank you all for your interest and for receiving us so politely and charmingly. I wish you every success in your deliberations. You keep giving us hope.

**CHAIR**—The committee has a couple of small items of business.

Resolved (on motion by **Senator Stott Despoja**):

That submission no. 24 from Transparency International Australia dated 31 March 2003, together with any attachments that have not otherwise been received as exhibits, be received as evidence to the inquiry into human rights and good governance education in the Asia-Pacific region.

**CHAIR**—I adjourn the public hearing and thank all those present for their assistance.

Resolved (on motion by **Mr Baird**):

That this subcommittee authorises publication of the transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 1.53 p.m.**