

## The role of human rights and good governance education

2.1 The Universal Declaration of Human Rights states that:

every individual and every organ of society ... shall strive by teaching and education to promote respect for ... rights and freedoms and ... to secure their universal and effective recognition and observance.<sup>1</sup>

2.2 Education in human rights has been a relatively constant theme in the human rights milieu. This view was expressed quite clearly at the World Conference on Human Rights, held in June 1993, which held that human rights education, training and public information were “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace”.<sup>2</sup>

2.3 Similarly, the issue of governance is increasingly seen as central to the development process and the promotion and protection of human rights. The importance and desirability of good governance and the relationship to respect for human rights was recognised and highlighted in the Government’s 2003 foreign and trade policy white paper, *Advancing the National Interest*:

Good governance...is a basic condition for stability and prosperity in all countries. Open, accountable and transparent institutions

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1 UN *Universal Declaration of Human Rights*, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, Preamble.

2 UN *Vienna Declaration and Programme of Action*. A/CONF.157/23, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993, para 78.

and sustainable polices help deliver security, respect for human rights and economic development.<sup>3</sup>

- 2.4 However, the National Committee on Human Rights argue that the methodology for the promotion and protection of human rights was not greatly emphasised at national and international level in most countries until recently. According to the NCHRE, it is only due to the 'catalytic effects' of the United Nations Decade of Human Rights Education that there are now human rights education programmes in a number of countries including those of the Asia-Pacific.<sup>4</sup> It could also be said that the regional spot light has only been turned onto governance since the Asian financial crisis of the late 1990's, with increasing emphasis recently due to security concerns and the broad effort to combat terrorism.

## Definitions

### Human rights education

- 2.5 There is no generally agreed definition of human rights education, although many endeavours have been made to arrive at a suitable definition.
- 2.6 In defining human rights education for the purposes of the Decade for Human Rights Education, the United Nations drew upon the provisions of several human rights instruments that address human rights education, as referred to in Chapter 1. For the purposes of the Decade, the United Nations defined human rights education as:

Training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes directed to:

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

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3 DFAT, *Advancing the National Interest*, Canberra, 2003, p.114.

4 Submission 22, National Committee on Human Rights Education Inc, p.23.

- The enabling of all persons to participate effectively in a free society
  - The furtherance of the activities of the United Nations for the maintenance of peace.<sup>5</sup>
- 2.7 The UN General Assembly affirmed that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels in development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.<sup>6</sup>
- 2.8 Human Rights Education Associates defines human rights education more concisely as education and training to promote understanding, attitudes and actions to protect human rights, and to foster the development of peaceable, free and just communities.<sup>7</sup>
- 2.9 Despite attempts to clearly define human rights education, it remains a complex issue with much remaining unknown as to the links, if any, between education modes, substantive content and positive human rights outcomes<sup>8</sup>.

## Good governance education

- 2.10 Unlike human rights education, to the Committee's knowledge there is no definition of what constitutes good governance *education*, as distinct from governance and 'good' governance.
- 2.11 Governance and good governance have attracted many definitions and it remains a contested concept.<sup>9</sup> The UNDP broadly defines the word governance as;

the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the

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5 *United Nations Decade for Human Rights Education (1995-2004) and public information activities in the field of human rights – Addendum*. Guidelines for national plans of action for human rights education, 20 October 1997, UN Document A/52/469/Add.1, p.5.

6 United Nations General Assembly. 1994. *Resolution 49/184* (as discussed in the Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004) UN Document A/55/360, September 2000).

7 *About HREA*: <http://www.hrea.org/abouthrea.html>

8 Submission 40, Castan Centre for Human Rights Law, p.1.

9 See, for example, Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol. 21 (5). Weiss highlights eight different definitions.

mechanisms, processes, and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.<sup>10</sup>

2.12 The AusAID definition of governance is in line with that of the UNDP:

‘Governance’ is the exercise of power or authority – political, economic, administrative or otherwise – to manage a country’s resources and affairs. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.<sup>11</sup>

2.13 As may be noted from the preceding definitions, the term ‘governance’ is relatively value free and various forms of political structure, from democratic polities to authoritarian states, may exhibit the criteria of what is broadly defined as ‘governance’.

2.14 There have been attempts to apply values to governance and arrive at a definition as to what constitutes ‘good’ governance. Attempts at defining ‘good’ governance seek to clarify what makes governance effective in promoting such things as wellbeing, equity and participation. The UNDP’s GOLD programme states that among other things, ‘good’ governance is participatory, transparent and accountable. It is also effective and equitable and it promotes the rule of law. According to the UNDP, ‘good governance’ therefore ensures that political, social and economic priorities are based on broad consensus in society and the voices of the poorest and the most vulnerable are heard in decision-making.<sup>12</sup>

2.15 AusAID defines ‘good governance’ as the competent management of a country’s resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people’s needs.<sup>13</sup> The promotion of broad-based economic growth and a dynamic private sector, through trade and investment liberalisation and careful management of the national economy, are key elements of good governance.<sup>14</sup>

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10 UNDP, *Governance for Sustainable Human Development*, a UNDP Policy Document, January 1997, Chapter 1.

11 AusAID. 2000. *Good Governance: Guiding Principles for Implementation*. Canberra, Commonwealth of Australia, p.3.

12 UNDP. *GOLD Project Document* (<http://www.undp.org.fj/gold/docs/GOLDFINA.PDF>)

13 AusAID. 2000. *Good Governance: Guiding Principles for Implementation*. Canberra, Commonwealth of Australia.

14 Submission 9, AusAID and DFAT, p.6.

2.16 The United Nations High Commission for Human Rights takes the definition even further by expressly linking it to the realisation of human rights:

Governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of “good” governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights.<sup>15</sup>

2.17 The difficulty of attempting to define clearly what constitutes ‘good’ governance was highlighted during the inquiry. As already noted, the term ‘governance’ lacks clear or universal definition or standards, making effectiveness hard to measure.<sup>16</sup> The Committee also observes that it was not presented with, nor could find, a definition of good governance *education*.

2.18 In one respect, it can be argued that definitions reflect a particular cultural bias; specifically a ‘western’ understanding of what constitutes ‘good’ governance. In this light Dr Tom Davis of the Castan Centre asserts that Australian aid policy is “made and implemented in a way that stymies the development of practical knowledge necessary for the effective reform of governance in non-Western states” and that Australian policy-makers cling to the assumption that the World Bank interpretation of good governance has universal applicability in spite of evidence to the contrary.<sup>17</sup> As indicated at the regional workshop on governance, hosted by the Asia-Australia Institute and the Cambodian Institute for Cooperation and Peace, “The word ‘governance’ has been used with different meanings in different parts of Asia during different times. Different meanings occur both in documents such as constitutions and in actual practice”.<sup>18</sup>

2.19 The Human Rights Council of Australia advised that, for some time, they have questioned the increasingly universal use of the term ‘good governance’ on the grounds that there is little if any agreement on the

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15 ‘*What is Good Governance*’, UNHCHR ([www.unhchr.ch/development/governance-01.html](http://www.unhchr.ch/development/governance-01.html)) Copyright 1996-2002, Office of the United Nations High Commissioner for Human Rights - Geneva, Switzerland.

16 Submission 35, Diplomacy Training Program, p.2.

17 Submission 40, Castan Centre for Human Rights Law, p. 13.

18 Fernando, B, ‘An Asian Framework for Governance’, *The Challenge of Governance for our Region: Governance, Capacity-Building and Cultures of Sovereignty*, The Asia-Australia Institute, Sydney, 2002, p.13

definition of the term. It considers that it is difficult to measure progress in good governance education unless the latter is defined in context and more specifically.<sup>19</sup>

- 2.20 It is clear that it would be “useful to encourage clarity on the definition of ‘good governance’, particularly amongst nations of the Asia Pacific and amongst different types of organisations involved in human rights education, human rights implementation and related areas”.<sup>20</sup> An agreed definition would be useful in terms of developing good governance education programmes.

## **The link between human rights and good governance**

- 2.21 The diversity of definitions of human rights and good governance education show that it is not clear in the public discourse whether human rights and good governance exist separately, are inherent in each other or whether there is a hierarchy between the two. Based on the definitions provided by the UN, AusAID and the UNDP, it may be argued that the full enjoyment of human rights relies on good governance and that, therefore, the focus should be on promoting good governance in the assumption that respect for and enjoyment of human rights will follow more readily.
- 2.22 This view is reflected in the ALHR submission, which contends that an understanding and practical implementation of good governance is an essential precursor to the realisation of human rights and the achievement of development. On the whole, ALHR argue that without good governance, human rights are at risk of remaining a theoretical and idealistic concept, never to be realised at a practical level.<sup>21</sup>
- 2.23 Similarly, Professor Jim Ife, the Haruhisa Handa Professor of Human Rights Education at Curtin University, is of the view that within the context of human rights education, good governance is critical and is one of the preconditions for the realisation of human rights.<sup>22</sup>
- 2.24 Similarly, AusAID states that:

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19 Submission 32, HR Council of Australia, p.5.

20 Submission 26, Australian Lawyers for Human Rights, p.4.

21 Submission 26, Australian Lawyers for Human Rights, p.4.

22 Transcript, 3 April, FADT 5

Poor governance not only results in a weak capacity to develop policy or inability to effectively deliver basic services, but, in extreme cases, it can result in human rights violations, political repression, high levels of corruption and violent conflict.<sup>23</sup>

- 2.25 This is given practical expression by AusAID in their 2002-03 Annual Report which states that “the aid program promoted human rights primarily through support for effective governance”.<sup>24</sup>
- 2.26 In terms of human rights and good governance education, human rights and good governance are understood by some organisations to be complementary rather than being distinct. The United Nations Association of Australia considers that it is appropriate that human rights and good governance should be linked as essential companions in education that helps build stronger civil society.<sup>25</sup>
- 2.27 An alternative view is that human rights should be the reference point or foundation for good governance. The Human Rights Council states that good governance needs to be defined in human rights terms and that good governance benchmarks should be established using clear human rights outcomes as their terms of reference.<sup>26</sup>
- 2.28 However, the National Committee on Human Rights Education, while agreeing with the Human Rights Council’s view, goes further and places human rights education in a prominent position. The NCHRE agrees that human rights understandings must be at the core of good governance. However, human rights education is something that should also be pursued in its own right.<sup>27</sup>
- 2.29 What the above debate does not address is the relationship between human rights education and good governance education. In the submissions to the inquiry, the two terms are conflated. In this regard, the Committee believes that it is important for practitioners to explore the relationship between education in human rights and education in good governance.

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23 AusAID Annual Report 2002-03, p.17

24 AusAID Annual Report 2002-03, p.74

25 Submission 11. United Nations Association of Australia, Inc, p.1.

26 Submission 32. HR Council of Australia, p.5.

27 Submission 22. National Committee on Human Rights Education Inc, p.13.

## Human rights and good governance education in sustainable development

- 2.30 A number of submissions highlighted the close relationship between human rights and good governance education and sustainable development.
- 2.31 The interrelationship between governance, human rights and development is highlighted in the Department of Foreign Affairs and Trade *Human Rights Manual*. The manual states that effective governance, human rights and sustainable development are closely linked. Economic and social well-being influence a country's capacity for effective governance, which is in turn critical to realising human rights, not least because it facilitates sustainable improvements in economic and social well-being. This view was generally supported in the evidence to the inquiry.<sup>28</sup>
- 2.32 The Castan Centre, while cautioning that the role of human rights and good governance education in encouraging fair and sustainable social, political and economic development cannot easily be quantified, describes a growing body of evidence which suggests human rights and good governance education programmes:
- improve human rights and good governance awareness among local decision-makers;
  - ensure the presence of trained officials who are able to capitalise on political change when it occurs, which improves the chances of human rights and good governance structures being established and maintained once sufficient political space exists for them to be built; and
  - not only instruct participants in the content of international human rights regimes and good governance best practice, but that they also assist in translating those ideas into locally relevant conceptual frameworks and practice.<sup>29</sup>
- 2.33 The United Nations Association of Australia contends that sustainable development requires an underpinning of basic understandings of human rights and good governance. They claim the Millennium Development

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28 DFAT. 1998. *Human Rights Manual*. Canberra, Commonwealth of Australia. See Submission 4, New South Wales Attorney General; Submission 16, UNICEF Australia; and Submission 17, Australian Legal Resources International

29 Submission 12: Castan Centre for Human Rights Law, Centre for Study of Privatisation and Public Accountability, pp.1-2.



Goals (adopted by many countries including Australia at the Millennium Summit in 2000) cannot be achieved without a framework of basic education in the principles of human rights and good governance.<sup>30</sup>

- 2.34 HREOC states that the strengthening of human rights and good governance, through education and other strategies, plays an important role in sustainable development and poverty alleviation. The economic and social well-being of individuals is most effectively realised within a framework of transparent and accountable public institutions as it is within such a framework that individuals are most likely to access opportunities to contribute to, and share in, the benefits of economic activity.<sup>31</sup>

## Australian policy

- 2.35 Australia's international and domestic policies in regard to human rights and good governance education have been articulated over a number of years.
- 2.36 At the 1993 Vienna World Conference on Human Rights, Australia proposed that all countries prepare a National Action Plan for Human Rights. The suggestion was adopted and is contained in the Vienna Declaration and Program of Action. In 1994 Australia became the first country to complete a National Action Plan and submit it to the Commission on Human Rights.<sup>32</sup>
- 2.37 The importance of domestic education and broad community participation, and the central role of government in promoting and protecting human rights was highlighted in the Committee's 1994 report *A Review of Australia's Efforts to Promote and Protect Human Rights*:
- ...commitment to human rights is generated nationally; that it is a national responsibility and that the international community involves itself only when a state fails to meet its responsibilities. It is in Australia's interest to involve the Australian community as thoroughly as possible in the process of promoting and protecting and monitoring human rights.<sup>33</sup>

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30 Submission 11, UNAA, Inc, p.2.

31 Submission 21, HREOC, p.15.

32 DFAT: [http://www.dfat.gov.au/hr/nap/natact\\_plan.html](http://www.dfat.gov.au/hr/nap/natact_plan.html) (page modified: Tuesday, 04 February 2003 03:38:33 PM). This plan was updated in 1995 and 1996-97.

33 Joint Committee on Foreign Affairs, Defence and Trade, *A Review of Australia's Efforts to Promote and Protect Human Rights*, AGPS, Canberra, 1992, p.9

2.38 In respect to Australia's human rights policy, the current National Action Plan states that:

The universal enjoyment of human rights remains a matter of fundamental importance for Australia. As such, Australia accords a high priority to the promotion and protection of human rights, both internationally and domestically.<sup>34</sup>

2.39 In terms of the specific issue of human rights education, the current National Action Plan contains two key sections. Section (i) defines a programme of human rights information and education, including in school curricula and the workplace for Australia. Section (j) sets out a programme of education and training for Australian personnel directly responsible for the protection of human rights (see appendix D).

2.40 While human rights education is alluded to in the National Action Plan, good governance education is not explicitly stated as a goal. Governance related education is implied in the statement that one of the national goals for schooling is to:

...develop knowledge, skills, attitudes and values which will enable students to participate as active and informed citizens in our democratic Australian society within an international context.<sup>35</sup>

2.41 In 1998, as part of a series of initiatives commemorating the 50th anniversary of the Universal Declaration of Human Rights, the Foreign Affairs Minister, Mr Downer and the Attorney-General, Mr Williams, announced that the Government had decided to revise Australia's National Action Plan<sup>36</sup>. DFAT and HREOC informed the Committee that a draft of the revised national action plan is currently being finalised and will be presented to the Minister for Foreign Affairs and the Attorney General for consideration when finalised. The draft will then be sent to State and Territory Governments for comment.<sup>37</sup>

2.42 In a broader regional and international context, the centrality of human rights and good governance to Australia's foreign policy was reiterated by DFAT/AusAID in their submission to the inquiry:

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34 DFAT. 1994. National Action Plan for Human Rights, Australia: [http://www.dfat.gov.au/hr/nap/national\\_action\\_plan.pdf](http://www.dfat.gov.au/hr/nap/national_action_plan.pdf)

35 DFAT. 1994. National Action Plan for Human Rights, Australia: [http://www.dfat.gov.au/hr/nap/national\\_action\\_plan.pdf](http://www.dfat.gov.au/hr/nap/national_action_plan.pdf)

36 DFAT: [http://www.dfat.gov.au/hr/nap/natact\\_plan.html](http://www.dfat.gov.au/hr/nap/natact_plan.html) (page modified: Tuesday, 04 February 2003 03:38:33 PM)

37 Submission 37, HREOC, p.1, and Submission 39, DFAT, p.2.

Human rights are an inseparable part of Australia's foreign policy. The treatment of human beings is a matter of concern to Australians and promoting and protecting human rights underpins Australia's broader security and economic interests.

Good governance is necessary for sustainable growth, political stability and respect for human rights. Human rights are best protected in an environment where democracy is combined with a strong rule of law, an independent judiciary, an efficient and accountable public sector, and sound economic policies.<sup>38</sup>

2.43 While human rights and good governance are often discussed separately, in practice, they are intertwined. Moreover, human rights are often considered a subset or outcome of governance, as implied in the above quote. The Minister for Foreign Affairs' seminal statement on Australia's aid programme, *Better Aid for a Better Future* (1997), made governance a specific focus of the aid programme for the first time, with respect for and promotion of civil and political rights considered to be vital elements of governance and sustainable development.<sup>39</sup> The 2002 Ministerial Statement *Australian Aid: Investing in Growth, Stability and Prosperity* further reinforced the importance, and the interrelationship, of governance and support for human rights in Australia's aid programme.<sup>40</sup>

2.44 The focus of Australia's human rights assistance was described by AusAID as being 'very practically based', which is a distinguishing feature of Australia's human rights assistance:

...the focus of Australia's human rights assistance is very practically based. And our focus on building human rights institutions around the region is laying the platform for long-term gains in human rights development and linking that with assistance for grassroots human rights activities is a very practical focus that distinguishes our approach to human rights.<sup>41</sup>

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38 Submission 9, DFAT & AusAID, p.1. See also *Advancing the National Interest*, Department of Foreign Affairs and Trade, 2003, pp. 114-116.

39 The Hon. Alexander Downer, MP, Minister for Foreign Affairs, *Better Aid for a Better Future*, Seventh Annual Report to Parliament on Australia's Development Cooperation Program, AusAID, 1997, pp. 5-6.

40 The Hon. Alexander Downer MP, Minister for Foreign Affairs, *Australian Aid: Investing in Growth, Stability and Prosperity*, Eleventh Statement to Parliament on Australia's Aid Cooperation Program, AusAID, September 2002.

41 Transcript 12 May, AusAID, FADT 41.

## Attitudes and understanding of Human Rights and Good Governance in Australia

- 2.45 Australia has been engaged in human rights and governance related education for some time, both domestically and internationally. As stated above, in the domestic sphere the 1994 *National Action Plan* outlined a range of school and workplace education activities aimed at promoting human rights and civic awareness in Australia. Given this history, the Committee was interested in exploring the extent to which the principles and practices of human rights and governance are understood in Australia. The Committee considers that the level of understanding provides a useful gauge of the effectiveness of education efforts.
- 2.46 The *Citizenship and Democracy: Australian Students' Knowledge and Beliefs* study undertaken in 1999 (published in 2002) provides some insight into the extent to which governance (or 'civics') is understood among Australian school children. While the study found that students appreciated living in a democracy and recognised the importance of being a 'good citizen', data indicated that actual knowledge of governance related aspects of democracy was deficient. The study found that only about half the students surveyed had a grasp of the 'essential pre-conditions for a properly working democracy' and were not strong on what constituted their civil rights. In comparative terms, Australia ranked at about the international average.<sup>42</sup>
- 2.47 In a report on the Australian Government's International Human Rights Policy and Activities for 1994-5, released in 1996, the Department of Foreign Affairs and Trade stated that:

The situation in Australia can be characterised as one where there is generally a high level of awareness about human rights, but a low level of understanding of the concepts underpinning the international human rights framework, the content of international human rights instruments and the treaty body system which monitors the implementation of these instruments.<sup>43</sup>

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42 *Citizenship and Democracy: Australian Students' Knowledge and Beliefs*, Department of Education Training and Youth Affairs, 2002. The Civic Education Study was undertaken in two stages by the International Association for the Evaluation of Educational Achievement. Phase 1 examined the context and meanings of civics education in 24 countries. Phase 2 surveyed around 90 000 14 school students in 28 countries. The Australian report draws on the Australian data collected during the study.

43 Submission by the Department of Foreign Affairs and Trade, *The Australian Government's International Human Rights Policy and Activities 1994-1995*, September 1996, p. 21, cited in Submission 22, NCHRE.

- 2.48 The issue of how human rights are understood by students and the community was a question the Committee posed to a number of organisations in the course of the inquiry. Representatives from the Human Rights and Equal Opportunities Commission (HREOC) painted a positive picture in regard to the level of understanding amongst school students. While acceding that children may not understand the 'broad intellectual concept that we encompass with the term human rights', HREOC suggested that students have 'very strong views on issues that really affect them and that they can identify with, and they are quite able to express them'.<sup>44</sup>
- 2.49 HREOC's experience in delivering human rights education indicates that students are conversant with practical issues such as discrimination and harassment and are able to identify and articulate how these issues may impact on them. However, these issues are not necessarily linked by students to the concept of human rights, which are generally seen as a universal declaration rather than being identified with practical, everyday issues.<sup>45</sup>
- 2.50 In summary, HREOC suggested that, given the media response to a range of issues such as paid maternity leave and children in detention, Australia:
- ...has a very lively and healthy debate, not under the banner of human rights but under the banner of a whole range of issues that, to us, encompass human rights. I think this is very healthy.<sup>46</sup>
- 2.51 Professor Jim Ife, the Harusa Handa Professor of Human Rights Education at Curtin University suggested that there is 'a lot of interest in human rights in the population'. Citing the experience of a postgraduate student's research into aged care facilities, he suggested that people are interested in 'having discussions about what their rights are, how they see them, whether or not they see them as being violated' and that 'there is a public willingness to engage in debate' at the practical level.<sup>47</sup>
- 2.52 Despite evidence suggesting an awareness of rights issues and a high level of community debate in Australia, some submissions and witnesses to the inquiry highlighted their claims of a lack of human rights and good governance awareness and understanding in the community.
- 2.53 Chief Justice David Malcolm of the National Committee on Human Rights suggested that a lack of understanding about human rights has led to a

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44 Transcript 16 May, FADT 90.

45 Transcript 16 May, FADT 91-92.

46 Transcript 16 May, FADT 99.

47 Transcript 3 April, FADT 7.

certain level of cynicism in Australia regarding accession to certain human rights instruments. He argued that such cynicism is a 'symptom of the need for expanded work and a greater investment in human rights education in Australia'.<sup>48</sup>

- 2.54 Similarly, Australian Lawyers for Human Rights (ALHR) suggest that "anecdote and impression amongst players in the field indicate the level of knowledge of human rights and governance issues in Australia is low". In addition, ALHR argues that an overview of education materials reflects a low level of resources committed to human rights education.<sup>49</sup> This observation is given some credence in the results of the *Citizenship and Democracy: Australian Students' Knowledge and Beliefs* study mentioned previously.
- 2.55 A number of delegates at the 2002 *National Conference on Human Rights Education* made interesting observations regarding the level of human rights awareness in Australia. The Shadow Attorney General, Mr Robert McClelland MP, argued that while all sides of politics were committed to human rights, the words 'human rights' were becoming unpopular words in political debate and were being seen as the province of special interest and fringe group advocacy.<sup>50</sup> The Victorian Equal Opportunity Commissioner, Dr Dianne Sisely, is reported to have suggested that only a small proportion of Australians know about their human rights. Professor Hilary Charlesworth noted that a common response to the idea of a Bill of Rights was the perception that Australia does not experience significant human rights problems. It was also noted during the 2002 conference that a high level of 'illiteracy' existed in regard to human rights education in the work place.<sup>51</sup>
- 2.56 It is clear from the evidence that while particular issues, such as racial or gender discrimination, may be understood as a 'right' in a practical sense, a relationship between the practical understanding of ones 'rights' and what is understood broadly as 'human rights' (as articulated in the core international covenants) appears to be tenuous.
- 2.57 Although a survey has not been carried out, the Committee is aware of a number of studies that may provide some clarity and direction in this regard.

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48 Transcript 3 April, FADT 28.

49 Submission 36, Australian Lawyers for Human Rights, p.2.

50 Submission 22, NCHRE, p.29.

51 Submission 22, NCHRE, pp.29-30.

- 2.58 The *Values Education Study*, conducted by the Curriculum Corporation for the Department of Education Science and Training, includes the results from case studies of approximately 70 Australian schools and from research on what values are taught in schools, how those values were developed and how that compares with the way values are embedded in school education in other countries. The study also focuses on learning about civic values. The final report develops a set of principles and a framework for improved values education in Australian schools.<sup>52</sup> While useful in identifying some values associated with personal behaviour, and more widely, good citizenship, the report does not tackle directly the issue of how or the extent that human rights and governance values are understood.
- 2.59 The Committee is also aware of the *Australian Human Rights Project*, an initiative of Australia Lawyers for Human Rights and the Human Rights Centre at the University of NSW. In broad terms, the project is researching effective and viable models for a national approach to human rights advocacy and education.<sup>53</sup>
- 2.60 The question remains, however, as to why some ‘rights’ may be understood, while others are not. Jan Payne of HREOC highlighted some of the difficulties faced in the field of human rights education:
- You can talk about human rights until you are blue in the face and kids might think ‘That just means overseas; it means terrible things,’ but they do not really identify it with practical, everyday sorts of issues....I think the difficulty that human rights as a subject in the curriculum has always had is that there is such a broad definition, because it means different things to different people all the time.<sup>54</sup>
- 2.61 Dr Sev Ozdowski argues that unlike ‘equality rights’ (such as race or gender discrimination) which have legislative and legal backing and authority, civil and political rights lack a ‘hook’ upon which to hang education efforts and initiatives and make such rights relevant to people’s everyday experience. While legal recourse is available in the case of race or gender discrimination, no such recourse is available in respect of civil and political rights such as freedom of association, speech or religion. The

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52 Submission 31, DEST, p.3. A copy of the final report may be found on the DEST website at [www.dest.gov.au/schools/publications/2003/index.htm](http://www.dest.gov.au/schools/publications/2003/index.htm) (page updated on Friday, 16 April 2004)

53 Further information may be found at: The Australian Human Rights Project <http://www.ahrcentre.org/ahrproject.htm>

54 Transcript, 16 May 2003, FADT 91.

lack of legal standing distances such rights from people's everyday experience. This legal recourse has an educative effect because of the practical nature of such 'equality rights' and their links to everyday experience.<sup>55</sup>

- 2.62 The recent report by the ACT Legislative Assembly, *Towards an ACT Human Rights Act: Report of the ACT Bill of Rights Consultative Committee*, went some way to addressing such issues. The report recommends bringing both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights under a Bill of Rights. The report argues that a primary purpose of a bill of rights would be to 'encourage the development of a human rights conscious culture in ACT public life and in the community'.<sup>56</sup>
- 2.63 Given the complex nature of the issue of a bill of rights, an in-depth discussion on a bill of rights is outside the scope of this inquiry. Nevertheless, the above example highlights one possible way to provide a necessary 'hook' that may enable a broader understanding of human rights.

#### *Public education campaign*

- 2.64 Early in the Decade for Human Rights Education, the UN stipulated that the 'general public shall be the subject of far reaching human rights information efforts designed to inform them of their rights and responsibilities under the international human rights instruments'.<sup>57</sup>
- 2.65 Similarly, a recommendation arising from the *2002 National Strategic Conference on Human Rights Education* was for a planned and funded public awareness campaign to influence attitudes to human rights. The proposal received a mixed response in the course of the inquiry.<sup>58</sup>
- 2.66 The Castan Centre suggested that a coordinated public awareness campaign would be of use if a specific human rights issue emerged on which there was general agreement in the policy community, but which represented a significant gap in the public's education that needed to be addressed. While few issues of this kind present themselves, Castan

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55 Ozdowski, Sev. 2002. *Human Rights – A Challenge for Australia*. Address by the Australian Human Rights Commissioner to the National Press Club 6 February 2002.

56 *Towards an ACT Human Rights Act: Report of the ACT Bill of Rights Consultative Committee*, ACT Bill of Rights Consultative Committee, Canberra, 2003, p.2.

57 *Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms – Addendum*, 12 December 1996, UN Document A/51/506/Add.1, para.21

58 Submission 22, NCHRE, p.4.



Centre suggested that rights in the workplace may be an issue worthy of examination.<sup>59</sup>

2.67 HREOC indicated support for a public awareness campaign but advised that a number of important factors needed to be considered including:

- cost of such a campaign compared to other ways of raising public awareness;
- the need to evaluate the current level of awareness;
- consensus on the message to be conveyed; and
- the target groups of such a campaign.

2.68 HREOC highlighted that public awareness campaigns such as those targeting drink driving or seat belts gave a clear message of the consequences if drink driving and seat belt laws were broken and could therefore be evaluated as to their effectiveness. HREOC cautioned that a general campaign that talked about the universality of human rights, rather than a targeted campaign (which focused on the elimination of certain sorts of prejudices such as race) ran the danger of being perceived as a 'feel good' campaign, without changing attitudes or being open to evaluation.<sup>60</sup>

### Understanding of human rights in the Asia Pacific

2.69 The Committee received limited evidence on the understanding of human rights and governance in regional countries.

2.70 The University of the South Pacific Law School provided some insight into how human rights are understood in the Pacific, at least amongst university students.

Whilst student attitudes are not always easy to gauge, it does seem a reasonable conclusion to say that a majority of them find the idea of a regime of human rights rather strange and at odds with their own cultural values in many respects. Human rights regimes are often perceived as something determined by alien agendas and imposed on Pacific countries from outside. They are perceived frequently as in conflict with local cultural values and to be the product of some kind of imperialist tendency on the part of so-called Western countries.<sup>61</sup>

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59 Submission 40, Castan Centre, pp. 7-8.

60 Submission 37, HREOC, p.5.

61 Submission 30, School of Law, University of the South Pacific, pp.5-6

- 2.71 Moreover, according to the University of the South Pacific Law School this perception extends to law itself, with a common difficulty being the notion that the rule of law involves government by abstract or formal principles rather than by persons.<sup>62</sup>
- 2.72 Despite these apparent misconceptions, efforts have been made in the Pacific to contextualise human rights. For example, participants at a sub-regional workshop for Pacific Island States on Human Rights Education and the Administration of Justice noted that the:
- Pacific region has developed distinctive and effective practices for the promotion and protection of human rights in the framework of community life. In particular, the experience of Pacific States in employing traditional means of dispute settlement, including mediation and restorative justice, is a rich one and should be integrated into efforts to further promote respect for human rights within all aspects of the administration of justice.<sup>63</sup>

## Conclusion

- 2.73 The Committee found the variation in responses to be illuminating. The lack of consensus on the level of community understanding of human rights and good governance in Australia demonstrates that current promotional and educative approaches are not having the desired impact.
- 2.74 However, the studies highlighted cannot provide a comprehensive snapshot of the extent and level of awareness and understanding of human rights and governance (civics) in Australia, at both school and community levels. A UN report on the follow-up to the UN Decade for Human Rights Education stressed the need for ascertaining people's opinions about human rights as a useful course of action for planning and evaluating human rights education efforts.<sup>64</sup>
- 2.75 The Committee believes that before new initiatives and long-term strategies can be considered and developed, such as public awareness campaigns, there is a need to determine the level of public understanding and awareness of human rights and human rights issues. The Committee also notes that the UN's guidelines for developing a national action plan for human rights education (discussed in more detail in Chapter 5) call for governments to undertake baseline studies of understanding of human

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62 Submission 30, School of Law, University of the South Pacific, p.6

63 Submission 29, Asia-Pacific Human Rights Information Centre, p.12.

64 *Promotion and Protection of Human Rights: Information and Education*, 23 February 2003, UN Document E/CN.4/2003/101, para. 27.

rights and human rights needs in the community. The Committee believes that the National Committee for Human Rights Education, properly resourced for the task, is the appropriate body to undertake this survey.

### Recommendation 1

**That the National Committee for Human Rights Education undertake a baseline survey of human rights attitudes and understanding in Australia, as indicated in its mission statement and in the guidelines for the Decade for Human Rights Education**

## Delivery and content of human rights and good governance education

### Delivery of human rights and good governance education

- 2.76 Human rights education is delivered in a number of ways.
- 2.77 Felice Yeban, from the Centre for Peace, Gender and Human Rights Education at the Philippine Normal University, contends that the human rights education sector can be broken into *formal* and *informal and non-formal* sectors, each of which brings with it a particular approach and viewpoint to issues such as the definition, objective and content of human rights education, the target audience and who are the primary human rights educators. The Plan of Action for the United Nations Decade for Human Rights Education states that activities carried out under the Decade shall bring the objectives of the Decade to as wide an audience as possible, through both formal and non-formal education<sup>65</sup>.
- 2.78 In brief, the *formal* sector is predominantly associated with the delivery of human rights education in the school system within the curriculum or as co-curricular or extra-curricular activities. The basic assumption is that human rights education is about a set of human rights concepts, values and skills that must be taught to students.<sup>66</sup>
- 2.79 The *non-formal* sector is community-based and structured programmes are conducted through consciousness raising and para-legal training. The *informal* sector is more ad hoc and unstructured activities are undertaken through public campaigns, theatre, posters, and informal discussions. The

65 *Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms – Addendum*, 12 December 1996, UN Document A/51/506/Add.1, para.5.

66 Felice Yeban, 'Beyond Concepts, more than texts: Re-thinking human rights education', paper delivered to the *Regional Response to the United Nations Decade of Human Rights Education*, Asian Regional Resource Centre for Human Rights Education, Nepal, 1999.

content of non-formal human rights education is usually determined by the needs of the community and the orientation of the organiser and not bound by a prescribed curriculum as in the formal school sector.<sup>67</sup>

Table 1 A comparison of formal and non-formal human rights education (HRE)

Area of Comparison	Formal	Informal/non-formal
<b>Definition of HRE</b>	Teaching of human rights concepts, values and skills	Process of understanding people's experiences through human rights standards for empowerment
<b>Objective of HRE</b>	Learning of human rights concepts, values and skills to prepare students for democratic society	People empowerment, national liberation, democracy
<b>Content of HRE</b>	Universal Declaration on Human Rights and prescribed curriculum	People's experiences, social analysis, international and national human rights standards
<b>Methodology</b>	Integration through lecture and activities	Dialogue, activities, reflection, discussion
<b>Human Rights Educators</b>	Teachers	NGO workers, lawyers, activists
<b>Target audience</b>	Students, teachers, school administrators	Marginalised groups, strategic partners and general public
<b>Major factors affecting conduct of HRE</b>	The school system/environment	Confluence of economic, social and political factors

Source Felice Yeban, 'Beyond Concepts, more than texts: re-thinking human rights education', paper presented to the *Regional Response to the United Nations Decade of Human Rights Education, Nepal, 1999*.

2.80 An alternative approach is proposed by Felisa Tibbitts, Executive Director of Human Rights Education Associates (HREA). Tibbitts has put forward three models for undertaking human rights education, depending on the target audience and the desired goals:

- the **values and awareness** model: a mass oriented model focusing on transmitting basic knowledge of human rights issues and fostering its integration into public values;
- the **accountability** model: focused on those whose professional roles are already associated with the guarantee of human rights and who can potentially be protectors or violators of human rights; and
- the **transformational** model: targets specific groups or individuals to empower them to recognise, address and prevent human rights abuses.<sup>68</sup>

67 Felice Yeban, 'Beyond Concepts, more than texts: Re-thinking human rights education', paper delivered to the *Regional Response to the United Nations Decade of Human Rights Education, Asian Regional Resource Centre for Human Rights Education, Nepal, 1999*.

- 2.81 Tibbitts also identifies four possible objectives for human rights education:
- education leading to advocacy
  - fostering and enhancing leadership
  - coalition and alliance development; and
  - personal empowerment.<sup>69</sup>
- 2.82 The models and objectives outlined by Tibbitts are not mutually exclusive or mutually inconsistent. It is intended that all the elements should be included in a broad and inclusive national action plan for human rights education.
- 2.83 Taking both approaches into account, the evidence suggests that in regional efforts to promote human rights education a formal approach or values awareness model is favoured. The UN's mid-term review of the Decade for Human Rights Education states that a number of countries are working at including human rights education in their respective education systems, with the national constitution, the Universal Declaration of Human Rights, the International Covenants and the International Convention on the Rights of the Child, providing content for human rights education in schools.<sup>70</sup>
- 2.84 The use of informal approaches appears less developed, although the committee notes the use of accountability and transformative models in Australia's human rights and governance initiatives. The UN notes that some national human rights institutions are conducting awareness raising programmes for the general public and some NGOs have developed training and mass media programmes.<sup>71</sup>
- 2.85 The Committee observes that there does not appear to have been similar work undertaken in regard to developing models for framing good governance education. The Committee is aware of the programme currently being undertaken by the Asia-Australia Institute, *Governance, Capacity Building and Cultures of Sovereignty*, which is concerned with the

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68 Tibbitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education, *International Review of Education*, Vol. 48 (3-4), 2002, p.163-67.

69 Tibbitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education, *International Review of Education*, Vol. 48 (3-4), 2002, p.161-62

70 UN. 2000. *Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004)* September 2000, UN Document A/55/360.

71 UN. 2000. *Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004)* September 2000, UN Document A/55/360, pp.11-12.

development of effective strategies for institutional capacity building. The Committee believes that the concepts and models developed for human rights education are applicable to developing a foundation for undertaking good governance education in a more rigorous and consistent way.

- 2.86 It must also be noted that, technically, not all human rights work equates as human rights education. The Asian Regional Resource Centre for Human Rights Education makes a distinction between human rights activities and argues that human rights education means ‘providing people specifically designed learning opportunities to enable them to possess and validate a specific body of human rights knowledge, values and skills’. Further, they distinguish between human rights ‘activists’ and human rights ‘educators’. A human rights activist is defined as someone who responds to a particular human rights case or situation and engages themselves in human rights work because they have undergone human rights education. “A human rights educator's main concern is the development of an individual or groups of learners as individuals who must possess and validate a specific body of human rights knowledge, values, and skills so that they may be responsive to a particular human rights case or the general human rights scenario”.<sup>72</sup>
- 2.87 Similar comments could be made in respect to governance. Not all governance work is governance education and not all governance practitioners or experts are governance educators. Although a valuable development contribution, sending finance experts into a country to assist a Government’s finance department does not necessarily constitute governance education, nor may the finance expert necessarily be considered an ‘educator’. Moreover, the Committee believes that in the context of governance, the educative aspect of governance assistance appears to have been relatively ignored in favour of technical assistance.

### **Content of human rights and good governance education**

- 2.88 To educate people about human rights and good governance, as with any subject matter, to teach it effectively it is necessary to define and organise which ideas, concepts, practices and principles need to be taught. In this respect, what should be included in any curriculum of human rights and good governance education has been not clearly defined. However, the

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72 *Human Rights Vs. Human Rights Education*, From "HRE PACK" (1995). Published by Asian Regional Resource Center for Human Rights Education ([www.arrc-hre.com/about/04whatishre/hrvshre.html](http://www.arrc-hre.com/about/04whatishre/hrvshre.html))

evidence gathered by this inquiry indicates that there are certain important components to any education programme.

- 2.89 In one sense, the UN Declaration itself can be seen as a curriculum in 30 steps (paragraphs) which are basic to any programme of human rights education.<sup>73</sup> More specifically, four basic elements of human rights education have been identified: 1) knowledge of the main international documents; 2) the combination of human rights, and human duties that emerge out of them, as well as the responsibility of the individual towards the community, society and the developing 'world society'; 3) knowledge about human rights violations; and 4) the various forms of resistance, key events and important persons and organisations.<sup>74</sup>
- 2.90 The Vienna Declaration states that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.<sup>75</sup>
- 2.91 The Asian Regional Resource Centre for Human Rights Education defines the content of human rights education as:
- ...a participative process which contains deliberately designed sets of learning activities using human rights knowledge, values, and skills as content aimed at the general public to enable them to understand their experiences and take control of their lives.<sup>76</sup>
- 2.92 The United Nations Association of Australia appears to promote a formal approach, stating that human rights and good governance education should include basic philosophy and principles of human rights; international human rights instruments; Australia's human rights institutions and civil society and the rule of law.<sup>77</sup>
- 2.93 UNICEF Australia suggests a focus on informal and non-formal approaches, arguing that human rights and good governance education must be comprehensive; incorporate all levels of society; ensure full

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73 Lohrenscheit, C, 'International Approaches to Human Rights Education', *International Review of Education*, Vol 48 (3-4), July 2002, p.175.

74 Lohrenscheit, C, 'International Approaches to Human Rights Education', *International Review of Education*, Vol 48 (3-4), July 2002, p.178

75 UN. *Vienna Declaration and Programme of Action*. UN Document A/CONF.157/23, 12 July 1993, World Conference on Human Rights, Vienna, 14-25 June 1993.

76 **What is Human Rights Education?**, From "HRE PACK" (1995). Published by Asian Regional Resource Center for Human Rights Education (<http://www.arcc-hre.com/about/04whatishre/definition.html>)

77 Submission 11, UNAA, Inc, p.2

participation of the most disadvantaged and the most vulnerable; and provide tangible outcomes for individuals and communities in order to ensure long-term sustainability and effectiveness in terms of development.<sup>78</sup>

- 2.94 The Committee notes that human rights education is not a homogenous concept or practice, but that approaches may vary depending on the way human rights and good governance education is understood, the desired objectives, and the targets of initiatives. Felissa Tibitts argues that different societies use different approaches to using human rights education in addressing human rights issues depending on the challenges faced and the priorities of the country:

In developing countries, human rights education is often linked with economic and community development, and women's rights. In post-totalitarian or authoritarian countries, human rights education is commonly associated with the development of civil society and the infrastructures related to the rule of law and the protection of individual and minority rights. In older democracies, human rights education is often conjoined favourably with the national power structure but geared towards reform in specific areas, such as penal reform, economic rights and refugee issues.<sup>79</sup>

- 2.95 With respect to good governance education, there is a dearth of information to assist in identifying the content of education initiatives. Unlike human rights education which can draw upon generally agreed international declarations and covenants for the basic content of education initiatives, good governance does not have a comparable foundation. Unlike human rights education, good governance education is not linked to an established field of study or practice (such as education), nor does it have a developed theoretical or practical base.
- 2.96 It is possible, from the previous definitions of 'governance' and 'good governance', to suggest what may constitute a programme of good governance education. ACFOA simply states that "good governance education includes training and dissemination of information that promotes a concept of governance" and that basic education forms an essential element to good governance.<sup>80</sup> It may be assumed that any educative programme in good governance would revolve around those

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78 Submission 16, UNICEF Australia

79 Tibitts, F, 'Understanding What We Do: Emerging Models for Human Rights Education', *International Review of Education*, Vol. 48 (3-4), 2002, p.160

80 Submission 23, Australian Council for Overseas Aid, p.10.



principles seen as distinguishing good governance from governance (or 'bad' governance<sup>81</sup>), such as transparency, accountability, equity and responsiveness. However, without an agreed definition it is more difficult to analyse governance programmes and efforts to provide education in governance.

- 2.97 In reality, governance is very complex and 'encompasses all the structures and processes for determining the use of available resources for the public good within a country'.<sup>82</sup> This observation by Thomas Weiss, of the City University of New York, highlights the complexity in developing a good governance education framework:

...good governance is more than multiparty elections, a judiciary and a parliament, which have been emphasised as the primary symbols of Western style democracy. The list of other attributes, with the necessary resources and culture to accompany them, is formidable: universal protection of human rights; non-discriminatory laws; efficient, impartial and rapid judicial processes; transparent public agencies; accountability for decisions by public officials; devolution of resources and decision making to local levels from the capital; and meaningful participation by citizens in debating public policies and choices.<sup>83</sup>

## Conclusion

- 2.98 Given the range of commentary on human rights and good governance education, the goal is to find a balance between approaches and views. The Committee feels there is a role for human rights and good governance education in schools within a curriculum context.
- 2.99 However, it is also important to recognise the importance of informal and non-formal approaches and different models to developing broad community awareness and participation, whilst also addressing specific individual and minority issues.
- 2.100 Understanding these approaches and models assists with planning future efforts in human rights and good governance education. Further, while

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81 The World Bank has defined 'bad' governance as personalisation of power, lack of human rights, endemic corruption and un-elected and unaccountable governments. Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol 21 (5), p.801.

82 Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol.21 (5), p.801.

83 Weiss, T, 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly*, Vol.21 (5), p.801.

the concepts and principles of human rights education are well developed, there is a need to revisit and refine how good governance education is conceived and implemented.

- 2.101 What has not been addressed is the relationship between human rights *education* and good governance *education*. In the submissions to the inquiry, the two terms are, on the whole, conflated. This creates confusion as to who is considered to be human rights and/or good governance education practitioners and, from the myriad programmes in place, what exactly constitutes a programme of human rights and/or good governance *education*. In this regard, the Committee believes that it is important for human rights and good governance education practitioners to explore the relationship between education in human rights and education in good governance and what qualifications and training are required to be considered a human rights or good governance educator.