

## Papers from the Fulbright Symposium on Peace and Human Rights Education

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### Perspectives on human rights education: sharing lessons and evaluating practice

This Symposium in the *Australian Journal of Human Rights* arises from the Fulbright Symposium on Peace and Human Rights Education hosted by the University of Melbourne Law School in July 2005.<sup>3</sup>

The Fulbright Symposium is an annual event on a critical topic of interest to Australia and the United States. Each year to fulfil its mission of 'promoting mutual understanding between the peoples of the United States and Australia through educational and cultural exchange' the Australian-American Fulbright Commission selects one conference from those being held by universities around Australia as the Fulbright Symposium. The aim is to further debate on a topic of current bi-national interest between Australia and the United States by engaging leading speakers from both countries.

After a competitive selection process, the University of Melbourne was selected to host the 2005 Fulbright Symposium on the topic of peace and human rights education. Its objectives were to:

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- 3 The Fulbright Symposium on Peace and Human Rights Education was made possible by the generous support of the Australian-American Fulbright Commission, The Pratt Foundation, Liberty Victoria, The Missen Foundation, Minter Ellison Solicitors, Australian Academic Press, Department of Education and Training Victoria, Department of Victorian Communities Office for Youth and the Victorian Foundation for Survivors of Torture. The event was supported within the University by the Centre for Comparative Constitutional Studies in the Faculty of Law, the Department of Learning and Development in the Faculty of Education and the International Conflict Resolution Centre in the Department of Psychology. The Symposium would not have been possible without the assistance of the dedicated volunteers and interns who participated as part of the organising team.

- provide an opportunity for leaders in human rights and peace education to discuss issues of significance to Australia and the United States, including:
  - human rights and national security;
  - peace and human rights education in schools and universities;
  - human rights and the private sector; and
  - promoting peace and human rights abroad;
- stimulate public education and debate on peace and human rights;
- influence public policy in education and other areas; and
- establish a platform for future collaboration between Australia and the United States in human rights and peace education.

More than 500 people attended one or more of the Symposium events, including representatives from each of Australia's university centres for peace, conflict resolution and human rights, as well as the Human Rights and Equal Opportunity Commission, state government and non-profit organisations such as Amnesty International.

### **Crossing borders**

The theme of the Symposium was 'Peace and human rights education'. Our aim as conveners of the conference was to bring together people to talk 'across borders' about this important issue. There were several borders that needed to be crossed to make the conference as fruitful and stimulating as possible.

### ***Promoting Australian–American dialogue***

The first border crossed, and the one fundamental to the Fulbright ideal, was to bring together people from across geographical boundaries. Participants attended from around Australia, as did a significant number of speakers from the United States.

While the United States and Australia share a commitment to human rights and the peaceful resolution of disputes, the way in which they have gone about education in peace and human rights differs in a number of respects. The similarity of aspiration and differences in execution made it especially worth bringing these two groups together.

In the United States many universities operate programs that give students a chance to work directly on human rights through research, clinical work and internships. A similar system is emerging in Australia, but there are many areas in which American expertise could prove very useful to Australian educators with an interest in rights. Australia, however, has one of the first, and best-regarded, national human rights

institutions in the world — the Human Rights and Equal Opportunity Commission (HREOC) — and its example might prove a useful approach to human rights education that is not much used in the United States. Similarly, while both Congress and the Australian Parliament play an important role in human rights issues, the conception of the role of legislators regarding human rights is quite distinct. The United States, for example, has a constitutionally entrenched Bill of Rights and a history of judicial enforcement of those rights that Australia lacks. This is an area in which the two countries share common values, but different approaches to putting them into practice.

At the same time, Australia and the United States share common challenges to maintaining human rights for their citizens. Recent threats to both societies have emphasised the importance of promoting peace, humane values and respect for human rights. In both the United States and Australia, national security considerations and the war on terror have led some national leaders and members of the public to doubt the utility of human rights in time of national threat. Both Australian and American human rights workers find themselves working in a climate that can sometimes be hostile to human rights claims. This makes human rights education a current and relevant topic for both Australia and the United States.

### *Integrating peace and human rights*

We also aimed to break down the traditional divisions that exist between 'peace studies' and 'human rights' by bringing the two communities together to discuss education — a topic of significance to both groups. Throughout the conference we saw a great deal of goodwill and an eagerness to learn from one another — as well as an understandable uncertainty about the approach or philosophy of those from the 'other' intellectual camp.

We found that peace and human rights work often used different tools: the 'human rights people' being predominantly lawyers comfortable with domestic laws and international treaties, the 'conflict people' being predominantly educationalists or psychologists comfortable with empirical studies and statistical methods. Yet while we used different methods in some places, we were also often striving towards the same goal — of a world where peace, justice and respect for the inherent dignity of all people was a reality.

The articles published here focus on human rights — while the peace-related articles are due to be published in the international *Journal of Peace Education* in 2006; however, all the authors were aware of the interdisciplinary context in writing their pieces.

### *Comparing across contexts for human rights*

The Symposium also aimed to enable debate between those working in different contexts for peace and human rights education, such as universities, schools and the private sector.

This meant crossing a number of vocational borders. Participants included academics, human rights advocates, business representatives, non-governmental staff and government officials. Indeed, many individual participants personally crossed those boundaries, for example academics who also worked in advocacy or fieldwork. By bringing people with this diversity of experiences together, we were able to focus on complex problems from a rich background of experience and a multiplicity of perspectives.

The authors in this Symposium give some sense of the way that the Symposium tried to draw on people from a variety of backgrounds. It brings together the Hon John von Doussa (former barrister and judge and current President of HREOC), Ms Colette Rausch (former prosecutor and current research officer with the United States Institute of Peace), Professor Deena Hurwitz (former human rights fieldworker and currently professor running a human rights clinic at the University of Virginia) and Dr Carolyn Evans (academic who works in human rights from both an international and a constitutional law perspective).

### **A forum for reflection**

One of the strengths of bringing such a diverse group of people together and crossing the three sets of borders described above is that the gathering assisted us all in reflecting more profoundly on the work that takes up so much of our time. The aim of this special edition is to share some of the interaction and learning that took place.

This Symposium brings together a series of reflections from those involved in advocating and supporting human rights in the United States, Australia and internationally. They offer both a diversity of strategies used for human rights education and a diversity of perspectives (activist, academic, government and non-government); however, they offer much for each other and readers to learn from them.

### *Learning from each other*

One of the themes is sharing lessons with each other. This is based on the belief that others' experience can illuminate our own. One way of seeing reflection is the idea of finding oneself in the experiences offered by another.

The four pieces share lessons from a variety of contexts and illuminate the following issues:

- the role of national inquiries and public education by Australia's HREOC;
- the role of foreign assistance in supporting human rights in post-conflict societies;
- the role of legal education in promoting human rights through engaging law students in human rights clinics in the United States; and
- the role of evaluators in assessing human rights education programs and promoting self-reflection within the human rights field.

We believe that a sharing of practice is vital for the field of human rights and we have endeavoured to enable the 'voices' of human rights experience to come through in these pieces. Two are presented as speeches to preserve this sharing of experience.

### *Self-reflection*

The other aim of the Symposium is to encourage self-reflection among those involved in human rights work. Each of the authors reflects on his or her own role and methods, including the potential damage that this work may do.

For human rights advocates, this role of reflection is two-fold. We must be able to assist others — particularly those with social power — to reflect on their behaviour. Yet we must also be prepared to reflect on our own methods and effects in the world.

Included in this Symposium is a speech from the Hon John von Doussa that demonstrates the various ways in which human rights proponents can try to encourage governments and societies to reflect on their behaviour and to aspire to greater respect for human rights. Two further articles (by Colette Rausch and Carolyn Evans) demonstrate the importance of those involved in human rights work evaluating their own performances and holding themselves up to the same high standards that they expect of others. The article by Professor Deena Hurwitz then demonstrates the way that the law school human rights clinic can provide students with a chance to engage simultaneously with advocacy aimed at changing government behaviour while also encouraging students to reflect critically on their own work and role.

Comparisons with other jurisdictions and other disciplines help us to reflect critically on our own jurisdiction and methodology and to ensure that we fulfil the high aims we set ourselves.

## Four reflections on human rights education

### *Public education*

The first piece looks at the role of public inquiries, consultations and public education in promoting human rights. It provides lessons from the experience of HREOC, including its influential inquiries into the 'stolen generation' of Indigenous children removed from their families and the current issue of children detained in immigration detention centres.

The Hon John von Doussa, the President of HREOC, demonstrates the variety of ways that human rights awareness can be raised in the general community and among political leadership across the breadth of human rights concerns that exist in this country.

### *Sharing lessons*

HREOC uses a number of strategies to encourage a greater respect for and adherence to human rights standards in the Australian community. Those interested in human rights can learn from HREOC's experience of using national inquiries as an educative strategy. In the two cases discussed, HREOC had a profound impact on public understanding of the particular human rights issues through gathering and reporting evidence.

In particular, the focus on the stories of individuals has been key to helping people enter into others' suffering and sympathise with those who may previously have been despised. Mr von Doussa reports that HREOC has learned that detailed individual narratives are crucial to influencing public perceptions on human rights issues. He emphasises the importance of the role of HREOC in personalising human rights stories — putting a face to the suffering and injustice caused by human rights violations rather than putting the focus on legal standards or abstract rules. This strategy assists people to reflect on current and past human rights violations through creating a sense of connection between those who have suffered and the population as a whole. Whatever people may think about an abstract group of anonymous 'asylum seekers', it is difficult not to be moved by the pain of parents trying to raise their traumatised children from behind barbed wire.

### *Reflecting on practice*

President von Doussa is also self-reflective in assessing the challenges facing HREOC. For example, HREOC needed to engage with Arab and Muslim communities in Australia — who were not making direct complaints to HREOC —

through consultation to learn how best to counter prejudice and developing hostility in the aftermath of September 11. HREOC also has to constantly challenge itself, at the other extreme, to find ways to engage with those who view anti-discrimination laws as providing special favours for particular groups.

The answer Mr von Doussa proposes is continuing education coupled with strong leadership. This requires being prepared to continually call on leaders to engage with human rights issues in all their human detail — and to educate majority groups to influence their leaders towards this path. His self-reflection suggests further ways to build on HREOC's record of promoting citizens' awareness of human rights through public education.

#### *Foreign assistance*

The second piece offers insights into the role of foreign assistance in supporting human rights in post-conflict societies. Colette Rausch, Deputy Director of the Rule of Law Program at the United States Institute of Peace, brings a wealth of experience — some of it painful — in assisting in reconstruction of the justice system in post-conflict situations such as Kosovo and Bosnia and Herzegovina.

#### *Sharing lessons*

Ms Rausch brings a valuable perspective from the field that should be of current interest to Australians involved in post-conflict reconstruction in the region and beyond. Her lessons in post-conflict reconstruction and rule of law programs are relevant to the Australia personnel who undertake this work, including government, police and non-government staff.

#### *Reflecting on practice*

The main lesson Ms Rausch offers — and which her paper exhibits itself — is the concept of humility, a concept rarely considered in the human rights discourse. She graphically illustrates the dangers of members of the international community descending upon a trouble spot without sufficient understanding of the country and then proceeding to act in a manner that may show disregard for either the knowledge of the locals or international human rights standards. Reflecting on what she has witnessed and experienced, she is concerned that many foreign assistance providers spend little time working out what would be best for the country involved and give too much attention to getting donor dollars, marking their territory or building their reputation. Too often, international providers see themselves as above the human rights framework that they are trying to implement.

Ms Rausch is thus skeptical about the role played by the international community and its ability to assist societies recovering from profound trauma. Yet she does not shy away from the complexities inherent in the task of assisting a nation to rebuild after a period of war or upheaval. She concedes the problems that a simplistic abandonment of responsibility to local leaders can bring, especially as those local leaders can rarely make a claim to be representative of the whole population. Ms Rausch advocates a cautious approach starting from the ideal of 'do no harm'.

She suggests a number of specific remedies: for example, a greater commitment to needs assessments and local consultation to adapt to the specific features of the country while not sacrificing human rights standards — and increased co-ordination within the international community. However, her paper deliberately raises more questions than it answers, challenging those who act in the name of the international community to demonstrate a real respect for local needs and international standards but not suggesting that there is a single model or a simple answer to these complex situations. Above all, she demands that the international community hold itself accountable for its efforts.

### *Engaged legal education*

The third piece offers a perspective on the potential of legal education to promote human rights. It focuses on the experience of law school human rights clinics in the United States, particularly the University of Virginia's Human Rights Clinic led by Professor Deena Hurwitz, a practitioner with extensive fieldwork experience in human rights.

Human rights clinics — and indeed service learning generally — are a more familiar phenomenon in the United States than in Australia. Driven by the impetus for clinical legal education and for contributing to social justice, they have evolved into practical legal courses on human rights promotion. They do not usually involve client-focused litigation but instead concentrate on advocacy.

### *Sharing lessons*

Deena Hurwitz's reflection offers opportunities for Australian universities and practitioners to learn from the way that student learning can be enhanced through advocacy and the way that advocacy can be increased through student input. Australian academics can consider the benefits to students of such learning on their practical skills as well as its potential for deeper learning, for example through seeing law as a process of struggle.



Professor Hurwitz brings to her academic human rights clinic a determination to encourage students to reflect more deeply on their role and responsibility as people with legal expertise and resources. Her students engage in human rights lawyering that aims to improve the human rights standards both in the United States and in other countries as well. By engaging students in cases involving human rights abuses, law schools can potentially help create a group of engaged lawyers who have the skills and the passion to fight against violations in the future.

### *Reflecting on practice*

Professor Hurwitz is self-reflective on the difficulties of selecting human rights clinic projects. This includes the difficulties of balancing students' preferences — usually for litigation projects — with the pedagogical outcomes and social benefit of more 'difficult' projects, including work on emerging human rights norms and with partners in the majority world. She gives examples of various projects undertaken by her human rights clinic and contrasts her assessment of their value with student views.

### *Evaluating our performance*

The final piece addresses the issue of how to evaluate human rights education efforts and promote self-reflection within the human rights field. Carolyn Evans speaks from her experience of developing a methodology for assessing human rights compliance and urges others to be aware of the complexities inherent in evaluating human rights education programs.

Evaluation is a method of formalised reflection. At its best, evaluation of human rights education programs enables those who work towards human rights to share lessons about what did or did not work and fosters a spirit of healthy self-criticism. However, evaluation of human rights programs will be problematic if it does not acknowledge their special features. In particular, there are three key issues specific to human rights programs: the contested nature of human rights, the multiple aims of human rights teaching (including transformation of attitudes and behaviour) and the importance of matching human rights pedagogy with the material taught.

First, Dr Evans advises evaluators to be alive to the fact that there are contested visions of human rights. This requires evaluators to engage with the particular conception of human rights chosen by the program — whether this is based on international conventions, constitutional protections, statutory rights or moral philosophy. Evaluations should not simply substitute their own conception of rights but instead need to work with teachers to offer insights on the strengths and

weaknesses of the conception of human rights used in light of the specific audience involved.

Second, Dr Evans cautions evaluators to be aware of the aims of the human rights education program being evaluated. As for other education courses, this can include a content-driven approach (focusing on mastering a body of human rights knowledge) or a more intellectual approach (encouraging critical reflection on theories and interpretation of human rights). However, human rights education programs also often have a transformative aim, wanting to change the attitudes, behaviours and even values of students.

This requires the evaluation to engage with teachers on the appropriateness of the aims they have chosen given their context and audience. In particular, the evaluators can help ensure that the education program does not veer towards indoctrination. Where assessing the transformative impact of the program, evaluators should be creative in selecting tools that evaluate hard-to-quantify areas such as changes in language, world view and observed behaviour.

Third, Dr Evans encourages evaluators to focus on the pedagogy of human rights teaching as well as what is being taught. Unlike other areas, it is impossible to teach human rights effectively in an environment where human rights are disrespected: for example, through authoritarian teaching methods. This requires evaluation of the congruence of the teaching methods used.

Dr Evans's article challenges evaluators to grapple with the difficulties of evaluating human rights education programs. She argues for a human rights approach to the evaluation of such programs — an approach that does not uncritically apply evaluation tools, but instead develops methodologies that respect the diversity, pluralism and free expression of all participants. She thus asks evaluators to ensure that their evaluation practice itself reflects human rights norms: respecting the human dignity, diversity and equality of those involved.

Evaluation, when properly conducted with respect for human rights, can be an opportunity for both the evaluator and the evaluated to share lessons and reflect on experience and together imagine better or different ways of approaching the same goals.

### **Conclusion**

By the end of the Fulbright Symposium on Peace and Human Rights Education, there was strong agreement that the papers presented at the Symposium should be

more widely circulated. It is hoped that this Symposium makes a contribution towards that goal. Further information about the Symposium can be found at <[www.law.unimelb.edu.au](http://www.law.unimelb.edu.au)> via the Centre for Comparative Constitutional Studies.

There was also consensus that bringing together people from peace and human rights areas was highly productive and that we should strive to find ways to continue to work with one another. Many participants in the final session expressed concern about the direction of both Australian and American societies. It was felt that the values of peace and human rights were being undermined and that we needed the courage to cross traditional borders of discipline, profession and geography to learn from one another and to work more effectively to create a more just world.

We hope that this collection makes a small contribution towards that goal.