

Past achievements and future strategies in educating the public about human rights: the role and experience of HREOC

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Introduction

I would like to acknowledge the Wurundjeri people of the Kulin nation on whose land we meet today.

Let me preface my remarks today with the assertion that, generally speaking, Australia has a strong and proud record on human rights. The Australian Government is formally committed to supporting the universal observance of human rights both at home and abroad — saying that this policy helps to achieve a more stable and just international order, which benefits the security and prosperity of everyone. In this statement, the Government links peace to the observance of human rights, a topic to which I shall return.

Regrettably, however, Australia's human rights record is not unblemished. In recent years, non-Indigenous Australia has been forced to examine its past and present relationship with Indigenous Australians. We have also had to look closely at our treatment of asylum seekers and refugees and, following 11 September 2001, the treatment of our Arab and Muslim minorities.

These blemishes highlight the important need to strengthen community understanding of human rights. Education about human rights must remain a critical long term strategy to help mould an inclusive society where human rights are respected and protected.

Today, I propose to provide a brief overview of the Australian Human Rights and Equal Opportunity Commission (HREOC) and explain why the Commission's President could have something to offer on the topic of educating the public. I shall touch on how HREOC communicates its key human rights messages to the community at large, and then comment on future challenges.

¹ President, Human Rights and Equal Opportunity Commission, Australia. This is the transcript of the speech presented by Mr von Doussa at the Fulbright Symposium on Peace and Human Rights Education on 22 July 2005.

HREOC was established, in anticipation of the International Covenant on Civil and Political Rights (the Convention) being recognised in our domestic law, as the principal vehicle through which the Federal Government would fulfil its undertaking to ensure to all individuals within their territories the rights agreed to in the Convention.

The mandate of HREOC includes:

- promoting public awareness of human rights through education;
- inquiring into discrimination and human rights compliance;
- encouraging human rights compliance; and
- assisting the Australian Government to develop policy on human rights issues.

HREOC administers five Acts that lay down the federal anti-discrimination law. These are the *Racial Discrimination Act 1975* (Cth), the *Sex Discrimination Act 1984* (Cth), the *Disability Discrimination Act 1992* (Cth), the *Age Discrimination Act 2004* (Cth) and the *Human Rights and Equal Opportunity Act 1986* (Cth). HREOC also has specific responsibilities to report annually to Parliament on the enjoyment of the human rights of Indigenous people.

Human rights education and human rights awareness building

We seek to ensure all activities we undertake, including our mandatory complaints handling function, interact in a complementary, holistic way, and that all have an educative output. Our main activities include the following:

- extensive engagement with the media;
- maintaining an extensive and accessible website which provides human rights education materials and best practice guidelines for individuals, students, teachers, employers, government and community groups;
- an ongoing release of publications and best practice guidelines;
- the receipt, investigation and conciliation of discrimination complaints;
- intervention in litigation that raises significant human rights issues;
- dissemination of education materials for primary and secondary schools; and
- international human rights technical co-operation programs, the major one of which is China.

HREOC also engages in public consultations to gather and share information on current topics of concern and less frequently carries out major public enquiries.

I want to give a little detail on two of these activities.

National inquiries

National inquiries have been very successful in influencing public debate and raising community understanding about human rights. The inquiry process is likely to involve the release of background and discussion papers followed by a call for submissions from the public. The receipt of written submissions will be followed up by public meetings, taking evidence and, finally, the preparation of a report.

National inquiries attract significant media attention. News stories, feature articles and documentaries give the topic a 'human face'.

HREOC has conducted national inquiries into a range of important human rights issues, including the plight of homeless children, people with mental illness, pregnancy and work-paid maternity leave, and accessibility of electronic commerce and new service and information technologies for older Australians and people with a disability, to name but a few.

Probably the two most successful national inquiries have been into the separation of Aboriginal and Torres Strait Islander children from their families, the 'Stolen Generation' Inquiry, which led to the report entitled *Bringing Them Home*, and one concerning the children in immigration detention, which led to the report entitled *A Last Resort*.

The Stolen Generation Inquiry

The Stolen Generation Inquiry was established to look at one of the most tragic episodes in Australia's history — the state-sanctioned removal of Indigenous children from their families. The Inquiry traced the history of these separation laws and policies and looked at the effects of separation on Indigenous individuals, families and communities.

HREOC's report became something of a watershed in contemporary Australia's understanding of its past. Indeed, an issue that was either ignored by, or unknown to, a great many Australians was brought into the open and discussed honestly for the first time.

The issue dominated newspapers and talkback radio at the time of its release and for some time afterwards. According to an independent analysis, in the 12 months after the release of the report, the total amount of print, television and radio coverage given to the issue (in equivalent advertising terms) was estimated at \$18 million.

The report was a major cause of a 'people's movement' for reconciliation between black and white Australians, which received widespread community support over the following four years. Regrettably thereafter, the community became distracted with concerns over terrorism, though the reconciliation movement is very much still alive.

Children in Immigration Detention Inquiry

The Children in Immigration Detention Inquiry was established to consider whether Australia's immigration detention laws and its treatment of children in immigration detention were in compliance with the United Nations Convention on the Rights of the Child.

HREOC visited all detention centres in Australia and took evidence from a vast range of individuals and organisations. HREOC found that Australia's immigration policy of mandatory detention of 'unauthorised' asylum seekers failed to make the detention of children a 'measure of last resort' and for the 'shortest appropriate period of time'. In many respects, the detention breached the Convention on the Rights of the Child.

Although HREOC's recommendation that all children in detention be released was not immediately implemented, many children were released. Further, during the Inquiry, criticism of the Immigration Department's standards for treatment led to the standards being withdrawn, and the policy of mandatory detention was relaxed to the extent of allowing women and children to live in housing outside of the detention centres. Importantly, the publicity which followed the revelations of the *Last Resort* report seems to have significantly changed public attitudes. In a recent online poll in the *Sydney Morning Herald* (24 May 2005), which asked over 11,000 people 'should children be in detention centres?', 73 per cent said 'never', 15 per cent said 'sometimes' and only 12 per cent said 'yes'. This is a remarkable change in public attitude since the 2001 Tampa days, when a majority of the community supported detaining children.

Public consultations

Ismae ('listen') project

As I mentioned earlier, human rights concerns in the Arab and Muslim communities arose after 11 September 2001 and were later exacerbated by the Bali bombings and other international terrorist attacks. HREOC was receiving second-hand anecdotal

stories of discrimination and prejudice being suffered by these communities, but we were receiving no formal reports, which was a concern in itself. We were keen to find out what was happening and why no reports were being made. We approached this by conducting national consultations under the title *Ismae*, which means 'listen' in Arabic. The aim of the project was to listen to Arab and Muslim Australians to learn the nature and impact of the prejudice that many said they were experiencing and to find out what Arab and Muslim Australians thought could assist them, and what should be done.

Participants in these consultations repeatedly told HREOC that there were two necessary strategies to counter anti-Arab and anti-Muslim prejudice. The first was strong leadership at all levels of government to denounce prejudice and discrimination on the basis of race or religion and the second was the delivery of more education initiatives to foster greater understanding and improved community relationships. The consultations identified a need for greater understanding by the community of their rights and avenues of complaint and greater understanding in the wider community about the beliefs, practices and aspirations of the Arab and Muslim communities.

That is a very brief overview of the public education activities of HREOC, and I now address today's topic more generally.

Promoting human rights and peace

This Symposium has a focus on peace and human rights. Both domestically and on the international stage, perceptions about religious, racial and cultural differences appear to underlie the tensions that threaten peace.

Within Australia, perceptions about the same human characteristics underlie our human rights concerns. The harsh treatment of unauthorised arrivals who seek asylum, our continuing treatment of our Indigenous citizens, and some of the measures that have been proposed by the Government to address the threat of terrorism indicate that where a majority group in the community is confronted with people they perceive to be different, or with a situation that they do not understand but could potentially threaten their comfort zone, their respect for human rights and the good old Australian notion of a 'fair go', which they would otherwise espouse, tend to disappear.

Further, in some quarters there is an emerging skepticism about equality rights for women, Indigenous peoples, migrant communities and people with a disability. We hear the view that anti-discrimination laws provide 'special favours' for minorities

and 'nothing of value' for the mainstream community, that equality has been achieved and there is little else that needs to be done by government to protect equality of rights. Some, in fact, would suggest that anti-discrimination legislation is ripe for dismantling in the interest of overcoming overt 'political correctness'.

Given community reactions and views, how do we improve the observance of human rights standards? What lessons does HREOC draw from its work?

Within Australia, the recurring picture is that the fear of difference and cynicism to which I have referred stems from a lack of understanding — if not from a misunderstanding as the result of misinformation — about the subject matter of the concern.

To counter this, two things stand out. First, there must be a flow of accurate information and informed discussion. That, of course, is what education is all about. Second, strong leadership supporting the observance of human rights is necessary and this involves leadership at multiple levels throughout the community. I take these in turn.

Community education

Educating the community does not involve simply disseminating the right information. Somehow, people have to be influenced by it, to understand from it what human rights are about, and why the rights should be accorded to everyone — especially members of minority groups.

When we look at HREOC's major successes, such as the two inquiries I have mentioned, the reason why I think they have changed public sentiments is that they have focused not on generalities and broad statements of normative principle but on the plight of particular individuals whose stories have been told in detail.

Once the focus moves to the individual, other people are able to sympathise with that person. They start to enter into the suffering and despair which inequality and discrimination are causing. They start to realise that the other person is suffering as they would suffer. They begin to feel indignity and begin to understand that ill-treatment of one person brings shame on everyone. They appreciate that members of the minority group have the same aspirations for safety of their families, equality and happiness as they do.

Everyone can feel for the separated child, and all parents will feel the theft of a child, or the frustration of having their child locked up without any idea about the future.

These individual stories paint a vivid and moving picture in the mind — in stark contrast, I fear, to a reading of the Universal Declaration of Human Rights, or any of the derivative Conventions. I think grass roots stories also help to dispel the notion that recognising the human rights of another means taking some rights away from those who already enjoy them. Rather, it is an occasion to extend to those who 'have not' something that is theirs — and the whole community benefits from this.

So with educational programs, our learned lesson is to argue the case with detailed personal narratives. Other lessons are predictable ones: design and direct programs to multiple levels of the community, from primary school students through to politicians, lawyers and judges and across all fields of public activity — employers, education institutions, service providers and the real estate industry, to name a few.

Leadership

I turn now to leaders. The importance of strong leadership was an unsurprising outcome of the Ismae project. The power of leadership cannot be disputed. If we reflect back on the early stages of the debate in Australia over the unauthorised arrival of asylum seekers and the Tampa crisis, the influence of our political leaders on community attitudes was immediate. Unfortunately, that leadership did not take us down the road to universal observance of human rights and it has taken a long time to get back to the importance of the subject.

Common experience informs us that leaders are all too prone to reflect, indeed to play on, the immediate perceptions and emotions of the interest group or electorate they represent. So in the end, it seems to me that to ensure leaders recognise and promote the universality of human rights, we have to constantly work on the hearts and minds of the majority groups in our community whose voices influence their leaders. I have advocated the value of individual human stories in this process. Our leaders should be called upon to engage in these stories with all their uncomfortable human detail. If in the process leaders become committed to following human rights standards, even in the face of conflicting knee-jerk community responses to events around them, so much the better.

I mention just one other lesson that is reinforced time and time again in our work. It was particularly evident in the Ismae project. Prejudices and misunderstandings by one community group about another tend to evaporate where dialogue between the different groups takes place. Each group comes to better understand the other and misplaced fears, suspicions and beliefs are recognised for what they are.

There is a significant groundswell of people who care about peace and human rights issues and want to see positive changes realised. However, in the end, it is achievements that count. My time with the Human Rights and Equal Opportunity Commission gives me optimism that the work we are all doing in our different but closely related fields of education is making a difference and will continue to do so. Let all of us keep up the good work.

References

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Disability Discrimination Act 1992 (Cth)

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