



**AUSTRALIA'S
NATIONAL FRAMEWORK
FOR
HUMAN RIGHTS

NATIONAL ACTION PLAN**

Human rights education

The Government believes that education and raising public awareness are the most lasting and effective ways to minimise discrimination and promote tolerance of all members of the community, irrespective of gender, differing racial, religious or cultural backgrounds, age or physical or mental disability.

Australia's national human rights institution, HREOC, has an important statutory function of promoting an awareness of, and respect for, human rights in the community. The Government strongly supports HREOC's educative role through respect for the Commission's independence and consideration of its recommendations, proposals, and education initiatives. Financial support is provided under statute by the Commonwealth Parliament. This continuing support by Parliament and Government has assisted HREOC to develop a number of innovative and effective human rights education programs, which target schools, businesses, government agencies, community groups and the general public. Almost all areas of HREOC's work have an educational or public awareness component.

An important educative function is also played by NGOs. NGOs play a double role in human rights education. They provide vital information to Government about human rights issues which affect people at the grassroots level. At the same time, they serve to educate the people they represent about the human rights programs and protections which are available to them.

The National Committee on Human Rights Education, established by the Australian Government in 1998, also has an educative role in the community. The Committee's work complements that of HREOC by providing a forum for representatives from non-government organisations, government agencies, community bodies, businesses and the media to discuss and implement initiatives dealing with human rights education.

Human rights legislation is also an important tool in human rights education. Australia currently has in place federal legislation to protect against discrimination on the basis of race, sex, disability and age. Such legislation, which outlaws discrimination and harassment in a number of areas is an important element of human rights education. Such legislation serves to educate the public as to what is acceptable behaviour, while judgments concerning unlawful discrimination under the legislation reinforce the principles that such discrimination is unacceptable.

The Government is also fully committed to multicultural Australia, which recognises and celebrates cultural and linguistic diversity and the benefits this has to offer. The appointment of a Minister for Citizenship and Multicultural Affairs demonstrates the significance of multiculturalism in Government decision-making. The Government considers that human rights education is an important element in multicultural Australia, and has implemented a number of educational programs aimed at promoting respect for racial and cultural diversity.

B. THE FOCUS FOR HUMAN RIGHTS IN AUSTRALIA

The Government's five priorities for human rights in Australia are:

- promoting a strong, free democracy
- human rights education and awareness
- assisting disadvantaged groups to become more independent
- supporting the family, and
- promoting human rights internationally.

Promoting a strong free democracy

Supporting civics and citizenship education

The Australian Government is committed to encouraging greater understanding and active participation in Australian democracy.

In 1997, the Australian Government launched a national civics and citizenship education program entitled *Discovering Democracy*. The aim of the program was to improve students' knowledge, skills and attitudes about Australia's democratic institutions and civic life, with particular emphasis on the history of Australian democracy. It also helped students acquire an understanding of human rights in Australia and internationally. Social justice is an important theme within these activities, including values such as the concern for the rights and dignity of all people, fairness, and commitment to redressing disadvantage and discriminatory and violent practices. These values contribute to students' understanding of what is involved in achieving a fair and democratic society. Program activities and curriculum materials support basic democratic values such as tolerance, acceptance of cultural diversity, respect for others and freedom of speech, religion and association.

Discovering Democracy also provided learning experiences to enable students, by the end of the compulsory years of schooling, to identify how the rights and obligations of Australian citizens relate to local, national and global contexts. Students are able to investigate the role of Australian and international legal institutions in protecting human rights, how rights can be lost and how they can be protected. The *Discovering Democracy* programme ended in June 2004, but the Australian Government continues to provide support for civics and citizenship education (including human rights), particularly for a national civics and citizenship education website.

The Australian Government is also promoting understanding of human rights through its support for values education. *The Values Education Study* report released in November 2003 includes the results of case studies in 69 schools, research findings from Australia and overseas and a Draft National Framework for Values Education in Australian Schools. The Australian Government has consulted with school communities and is seeking State and Territory support for a national framework on values education. It is also funding values education forums in every school, clusters of champion schools showcasing best practice approaches, curriculum resources for

In doing so, our laws seek to strike a balance between strengthening our national security and protecting individual liberties. The Australian Government is committed to dealing with the terrorist threat through constitutional means. Australia's democratic traditions and processes are its greatest ally and greatest strength in the war on terror. These traditions and processes are the tools that will help combat terrorism and protect and preserve our human rights. The Government is constantly reviewing and improving our legislation to ensure it meets the complementary objectives of preserving civil liberties and freedom while countering the actions of terrorists who threaten to undermine them.

In addition to improvements in Australia's security legislation, a public information campaign has been launched, including television, national press and Non-English-Speaking Background press to ensure that the message reaches everyone in the country.

National security embraces measures to protect the Australian community, government and institutions from harm. The following website provides a single access point for national security information from the Australian Government:
<<http://www.nationalsecurity.gov.au/>>

The National Security Hotline has been established to further strengthen Australia's national security arrangements. It complements the activities being undertaken as part of the Australian Government's national security public information campaign. The Hotline is set up to receive information from members of community who wish to report any activity which they feel may be relevant to national security and warrant further investigation. It also provides information on a wide range of national security matters. By establishing a single point of contact for national security information, the National Security Hotline enhances the ability of the community and government to work together to safeguard Australia's national security.

The Australian Government's White Paper on Terrorism, *Transnational Terrorism: The Threat to Australia*, was publicly launched by the Minister for Foreign Affairs on 15 July 2004. The White Paper is based on expert advice from a range of sources. The White Paper's main purpose is to present to the Australian public an authoritative view of the international dimensions of the contemporary terrorist threat to Australia and Australian interests. This reflects the high priority the Government places on dealing with this difficult security issue. It also reflects the Government's commitment to keeping the Australian public fully informed of significant changes to Australia's security environment and the measures being taken by the Government to protect Australia's interests. The White Paper will help inform public debate and understanding of the context in which the Government is developing Australia's approach to fighting terrorism. The White Paper is available online at
<<http://www.dfat.gov.au/publications/terrorism/index.html>>

Human rights education

Human Rights and Equal Opportunity Commission

The Australian Government holds the view that the most lasting and meaningful way to reduce discrimination and abuses of human rights is to change community attitudes

through practical educative initiatives to encourage tolerance and fairness. The Government therefore continues to support the important role of the Human Rights and Equal Opportunity Commission (HREOC) in promoting awareness and respect for human rights in the community.

HREOC consults with peak bodies, conducts public inquiries, undertakes research and publicises the results on-line, through the media and in printed reports. Commissioners regularly give speeches and contribute to public debate via media interviews, distributing information on human rights issues and by writing opinion pieces for the press.

HREOC's website (www.humanrights.gov.au) is a key educational tool that provides an up-to-date human rights education resource for students, teachers, employers, the legal profession and government and non-government agencies. It also provides a method of promoting human rights to the community generally and is an important source of information for thousands of Australians.

HREOC develops educational programs to provide information and improve the enjoyment of human rights in Australia. The resources are developed in consultation with experienced curriculum experts and the focus is on literacy skills including critical literacy and comprehension skills.

For example, HREOC's human rights education program for teachers of upper primary and secondary students comprises a series of modules, the first of which, *Youth Challenge Online – Teaching Human Rights and Responsibilities*, was launched in late 2001. *Youth Challenge* is a web-based resource to assist school teachers to educate students about human rights and responsibilities by way of role-plays, guided activities, surveys, personal stories and discussion. During 2003–04 a Youth Challenge series, based on sexual harassment in schools, was also delivered to schools throughout Australia.

Following the success of *Youth Challenge*, HREOC launched Information for Teachers (www.humanrights.gov.au/info_for_teachers/index.html), an on-line human rights portal for teachers wanting to teach human rights. It is linked to the curricula of each State and Territory education system, thus providing teachers with a range of human rights education materials they can teach across a variety of key learning areas.

HREOC's other human rights education programs include:

- a publication, *Face the Facts*, which provides questions and answers relating to migrants, asylum seekers, refugees and Indigenous Australians
- *Bringing Them Home*, which is based on the stories, findings and recommendations of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, and
- *Woman of the world: Know your international human rights and how to use them*, which provides information to school students about women's international human rights from an Australian perspective.

HREOC also has an extensive list of publications such as: guides to Commonwealth human rights legislation (eg *Your Guide to the Sex Discrimination Act*); facts sheets

(eg *Discrimination in Employment & Occupation*); and brochures (eg *Know Your Rights Under the Disability Discrimination Act*).

HREOC also undertakes initiatives to assist and educate employers and employees. For example, the Race for Business information and training package assists employers eliminate racism in the workplace and reduce the likelihood of complaints under the *Racial Discrimination Act 1975* (Cth). *Race for Business* contains a video, a training manual and detailed guidelines for employers on the Racial Discrimination Act. *Sexual Harassment in the Workplace: A Code of Practice for Employers* sets out guidelines for employers on how to meet their obligations to prevent and eliminate sexual harassment in the workplace under the *Sex Discrimination Act 1984* (Cth).

Similarly, the National Indigenous Legal Advocacy Courses are aimed at Indigenous people working in justice related areas, such as Aboriginal Liaison Officers. The program equips participants with the competency to work in legal environments to assist Indigenous peoples in the interaction with the legal processes, such as courts, police and community justice processing. Similarly, the training program *Tracking Your Rights* assists Indigenous people to better understand their rights and to utilise effective problem solving mechanisms to resolve conflict such as using anti-discrimination legislation and community action.

During 2003 and 2004 HREOC undertook the project *Ismaʿ - Listen: National consultations on eliminating prejudice against Arab and Muslim Australians*, with the aim of restoring and maintaining harmony in the Australian community. The summary report was released on 16 June 2004 in Sydney. The project's aims were to listen to Arab and Muslim Australians' experiences of discrimination and vilification, investigate what strategies were being used to counter anti-Arab and anti-Muslim prejudice in communities across Australia, and identify further strategies that could be put in place. HREOC consulted widely, including with Australian, State and Territory government agencies and Arab and Muslim communities across Australia. The report and accompanying CD will be distributed widely to schools and community groups as an educational resource.

National inquiries also play an important educational role in promoting a greater understanding and acceptance of human rights in Australia, by providing an opportunity for research and analysis of policy issues and laws related to human rights. The inquiry process enables interested parties to make submissions and to give evidence at public hearings.

The statutory power of HREOC to intervene in ongoing court cases involving human rights issues also has an educative component, particularly for the legal profession. Other community education activities directed at the legal profession include the regular publication of the *Legal Bulletin*, and a book, *Federal Discrimination Law 2004*.

National Committee on Human Rights Education

The National Committee on Human Rights Education was established by the Government in 1998 as the focal point for Australia's contribution to the United Nations Decade on Human Rights Education (1995–2004). The Committee was

established as a cooperative venture between relevant government and non-government agencies, business and the community.

The Committee seeks to involve a wide cross-section of society in its work and to draw on the support and participation of Australians noted for their contribution to the life of the community. The Committee's objectives and activities reflect the Government's belief that, while governments play an important role, promoting human rights is the responsibility of everyone and requires active community participation. One of the goals of the Committee is that all Australians have an opportunity to learn about the human rights values of mutual respect, individual dignity and equal opportunity.

The Australian Government supports the initiatives of the Committee and encourages the States and Territories to continue to do likewise through their respective State committees. The activities of the Committee complement the comprehensive human rights education work of the Human Rights and Equal Opportunity Commission.

Addressing disadvantage and assisting independence

Addressing racial and cultural discrimination

The Australian Government condemns racial discrimination. Australia has comprehensively implemented its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination in Australian law in the form of the *Racial Discrimination Act 1975*. This Act prohibits racial discrimination and vilification and ensures equal opportunity for Australians of all racial backgrounds. The Act prohibits discrimination on the basis of race, colour, descent, or national or ethnic origin and covers discrimination in public life, including in areas such as employment, renting or buying property, the provision of goods and services, accessing public places and in advertising. The Act includes an exemption for 'special measures', that is, benefits for persons of a certain race in order that they may enjoy and exercise human rights and fundamental freedoms equally with persons of other races. The Government is committed to ensuring that its laws and programs are consistent with the Act and undertakes a range of initiatives and programs that constitute special measures under the Act.

The Australian Government is fully committed to the educational measures contained in the Programme of Action from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In particular, the Government supports the development of educational and cultural programs promoting tolerance and non-discrimination and promoting human rights, including programs for inclusion in school curricula.

The Australian Government reaffirms its commitment to multiculturalism in the policy statement *Multicultural Australia: United in Diversity Strategic Directions for 2003–2006*. This statement builds on the 1999 policy document *A New Agenda for Multicultural Australia*. Australia's multicultural policy provides a framework for maximising the social, cultural and economic benefits that cultural diversity brings to all Australians. It actively promotes good community relations and social harmony throughout the country. The Government believes firmly that Australian multicultural

In line with Australia's lead on the good governance and human rights resolution at CHR, Australia is also contributing to a joint United Nations Development Programme/OHCHR project to strengthen good governance for national level advancement of human rights. Part of this project included a seminar in Seoul, Republic of Korea, in September 2004, which examined and built upon examples of national good governance practices identified by states, national human rights institutions, relevant bodies of the United Nations, other international bodies and relevant national and international non-government organisations. Australia submitted case studies of best practice for consideration by delegates to the seminar.

Asia Pacific Forum of National Human Rights Institutions

The Asia Pacific Forum of National Human Rights Institutions (the APF) is an organisation that supports the development of human rights institutions in Asia and the Pacific. It was established in Darwin in 1996 with Australian Government support. Its membership has trebled in seven years from four to twelve National Human Rights Institutions (NHRIs) of Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, Philippines, Republic of Korea, Sri Lanka and Thailand.

The APF is well established as an independent entity and is performing an important role in encouraging establishment of NHRIs in the region in accordance with international standards enshrined in the Paris Principles (established in 1992 by the UN Commission on Human Rights, concerning the status, powers and functioning of national human rights institutions). Members and stakeholders appreciate its information, training and advisory services that aim to strengthen the capacity of NHRIs in the region. The APF is still in a growth period, with membership expected to increase.

Human Rights Small Grants Scheme

The Human Rights Small Grants Scheme provides small (up to AU\$70,000) grants to locally based organisations in developing countries for activities that promote and protect human rights in a direct and tangible way. Priority areas for assistance are:

- educating and training human rights workers
- promoting international human rights standards including improved reporting to UN treaty bodies
- supporting national and regional human rights institutions and infrastructures
- human rights education and awareness raising, and
- promoting democratic principles.

Over one hundred activities, mostly in Asia, have been supported since the program commenced in 1998–99. Examples of such activities include: human rights monitoring, analysis and public information regarding development of East Timor's justice system; grassroots human rights education in Fiji; human rights training in gender issues for school teachers in Indonesia; and support for the rehabilitation of trafficked women in the northern border area of Vietnam.

- reviewing existing and proposed legislation to ensure compliance with human rights principles
- conducting research into human rights issues, and
- inquiring into, and if possible conciliating, complaints made under the Human Rights and Equal Opportunity Commission Act, the Racial Discrimination Act, the Sex Discrimination Act, the Disability Discrimination Act and the Age Discrimination Act.

If a complaint of unlawful discrimination under the Racial Discrimination Act, the Sex Discrimination Act, the Disability Discrimination Act or the Age Discrimination Act cannot be conciliated, the President of the Commission will terminate the complaint. The complainant can then take the matter to the Federal Magistrates Court or the Federal Court for determination. A small filing fee is payable, which can be waived in cases of hardship.

The Commission can also inquire into complaints concerning alleged breaches of human rights by the Australian Government or Government authority, or discrimination in the area of employment on numerous grounds, including political opinion, age, sexual preference or trade union activity. Such complaints, which cannot be resolved by conciliation, can be the subject of a report by the Commission to the Australian Attorney-General, who in turn must table the report in Parliament.

State and Territory anti-discrimination commissions

Each State and Territory has established an anti-discrimination or equal opportunity commission. Although the functions of each commission vary according to the respective legislation under which it is established, common functions include:

- the determination or conciliation of complaints of discrimination brought under legislation operating in the particular jurisdiction, and
- developing and conducting human rights education and awareness initiatives.

Other institutions

There are also a number of other institutions that contribute to the protection of human rights in Australia, including:

- the Office of the Federal Privacy Commissioner, an independent statutory office with responsibilities under the Privacy Act, whose functions are to:
 - - promote an Australian culture that respects privacy
 - - promote best practice in privacy standards
 - - provide information and advice about privacy issues, and
 - - investigate complaints about interference with an individual's privacy under the Privacy Act and related legislation.
- The Commonwealth Ombudsman, whose functions are to:
 - - investigate complaints about the actions and decisions of Australian Government departments and authorities to see if they are wrong, unjust, unlawful, discriminatory or just plain unfair; and

population (for more population data, see the Australian Bureau of Statistics website: www.abs.gov.au). The Government is committed to ensuring all Australians have the opportunity to be active and equal participants in Australian society, free to live their lives and maintain their cultural traditions. This social equity is enshrined in Commonwealth, State and Territory legislation.

Every government in Australia acknowledges the rich heritage and history of Australia's Aboriginal and Torres Strait Islander peoples and the significance of this heritage to Indigenous and non-Indigenous Australians alike. Legislation exists at the Commonwealth, State and Territory levels which is designed to preserve and protect areas and objects that are of particular significance to Indigenous people. The Australian Government also believes that the promotion of Indigenous heritage and culture at a public level can do much to assist the cause of reconciliation and improve and expand community understanding of, and goodwill towards, Aboriginal and Torres Strait Islander people. It therefore considers that acknowledgment of the special place of Indigenous people in the life and history of Australia is appropriate on certain occasions and in certain national ceremonies, such as citizenship ceremonies.

Achieving equality and respect through human rights education

The importance of human rights and respect for equality of persons has broad acceptance throughout the Australian community.

The Australian Government is strongly committed to fostering human rights education within Australia. In the long term, it believes that education and awareness about human rights are the most meaningful ways to promote greater respect for the value of human rights and reduce breaches of human rights within Australia.

Aside from handling discrimination complaints under relevant anti-discrimination laws, every Commonwealth, State and Territory human rights institution conducts a range of human rights education programs.

Liberty, security and dignity

In any society, individual freedoms need to be balanced against the interests of others. Australian citizens enjoy one of the most free and democratic societies in the world. This freedom is maintained through effective democratic institutions — a robust parliamentary system, the rule of law and freedom of the press.

Safeguarding against arbitrary deprivation of life

ICCPR Article 6

...No one shall be arbitrarily deprived of his life...

Optional Protocol to ICCPR Article 1(2)

Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

The Australian Government shares community concerns about serious crime and supports the general principle that the punishment should fit the seriousness of the crime. However, the death penalty has not been supported by governments in Australia for over 25 years. A fundamental difficulty with the death penalty is that,

Human rights education for Police

The Programme of Action from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance urges States to implement effective policies to ensure accountability for misconduct by law enforcement officers motivated by racism and racial discrimination. In addition to Commonwealth, State and Territory anti-discrimination laws, police standing orders or regulations in each jurisdiction make it clear that discriminatory conduct by police personnel is unacceptable.

The Australian Federal Police provides equity and diversity training to its members which covers topics such as human rights legislation, gender issues, workplace harassment, and cross cultural awareness issues, including Indigenous-specific issues. State and Territory police also have a range of programs dealing with equity and diversity issues.

The Australasian Police Multicultural Advisory Bureau assists police services throughout Australia to provide police and ethnic and religious community policies, programs and initiatives which are appropriate, effective, efficient and in keeping with national standards, including community education on police and ethnic community issues. For example, the Bureau developed the National Anti-Racism Training for Police: In-Service Training Package through a 1999–2000 community grant under the *Living in Harmony* initiative. The package is designed to equip police with the necessary skills to provide a professional service in a culturally diverse society and enhance harmonious relations. It can be individually tailored to suit the needs of each State and Territory jurisdiction. The Bureau has been working with the Australian Federal Police to develop a tailored package to cover relevant Federal criminal and anti-discrimination laws, and complaint procedures. The program will also cover relevant case studies, police best practice and operational procedures, and local support and referral services. The program is being incorporated into existing training programs.

Humane conditions and treatment

ICCPR - Article 10

- (1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- (2) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication...

Federal, State and Territory prisons

Under Australian law and internal disciplinary procedures, correctional officers are required to respect the human dignity of persons on remand (pending trial) and convicted prisoners. The Standard Guidelines for Corrections in Australia, which are currently being revised, accord with the UN Standard Minimum Rules for the Treatment of Prisoners.

It is standard practice in Australia to separate accused persons from convicted persons and remand centres have been established in each State and Territory to support this