



United Nations National Committee on Human
Rights Education Conference

“Hands On Human Rights”

22 October 2004

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The Hon David Malcolm AC
Chief Justice of Western Australia

His Excellency The Hon Mr Justice William Cox AC RFD ED – Chief Justice and Lieutenant-Governor of Tasmania

The Hon Justice Pierre Slicer – Member of the NHRCE and Convenor of this Conference

Professor Don Chalmers – Head of Law School, University of Tasmania

Your Honours

Your Worships

Distinguished Delegates

Ladies and Gentlemen

It is my great pleasure to invite Mr Rodney Dillon to welcome delegates to this Conference on behalf of the traditional custodians of this land.

[Mr Rodney Dillon to Welcome to Country]

I recognise the Aboriginal people as traditional custodians of this land and thank Mr Rodney Dillon for his official welcome to country.

The Chairman of the National Committee Dr Eric Tan, and Dr Haruhisa Handa our distinguished member and very generous supporter, both regret their inability to join us at this Conference by reason of long standing commitments.

I am very pleased to be here today as Deputy Chairman of the National Committee, and to have been given the honour of welcoming delegates to the National Committee on Human Rights Education's 2004



Human Rights Conference, “Hands On Human Rights”. Our tireless and distinguished Chairman is unable to be present on this occasion. The year 2004 is also significant, in that it marks the end of the UN Decade on Human Rights, which has been the catalyst for launching human rights education programs worldwide, and in Australia, has the backing of our national Government. As an active participant, our government is required to report on the state of human rights in this country, and this Conference will prove vital in terms of gauging progress in this area. The theme of this Conference is looking at the defence and delivery of human rights on a day-to-day basis by individuals, small groups, and relevant governments agencies – effectively, at a community level. There will be discussions analysing the issues of multiculturalism, violence, disability, gender, access and culture from the perspective of those who deal with the challenges on a regular basis. The vantage point is from day-to-day activity, rather than the wider picture of policy and international ideology. The Conference brings together a broad range of speakers and delegates to focus on the delivery of human rights to the community.

The United Nations Human Rights Education Committee was established in 1996 by the Standing Committee of Attorneys General, in response to the United Nations proclamation of a year and decade for Human Rights. The National Committee for Human Rights Education is a cooperative venture drawing together representatives of Government, business and community sectors for the development and promotion of a systematic and comprehensive approach to the delivery of human rights education to the Australian community. Through its establishment,



awareness of human rights education is expanded and through its high profile work, it provides encouragement, expertise and leadership to those who are directly concerned with the provision of education and training to members of the Australian community. The stated aims of the committee are to:

1. Assess the existing needs of the Australian community in relation to human rights education, including the identification of priority groups;
2. Consider and develop means and strategies for the delivery of human rights education for all such groups, including the provision of education through education in the workplace and through community organisations;
3. Plan strategies designed to make use of the most effective means of communication to promote human rights and the underlying values of universal dignity and respect;
4. Build the network between the government, community and business sectors to maximize the sharing of resources and expertise in relation to human rights education;
5. Work with the media to strengthen its capacity in relation to human rights education;
6. Disseminate and promote the rights and values of the Universal Declaration of Human rights; and



7. Provide advice to government in respect of matters related to human rights education.

In 1998, the Hon Justice Michael Kirby spoke to the United Nations Educational, Scientific and Cultural Organisation on the indicators of human rights. His Honour said:

“Walk around the streets in a country which is new to you. No soldiers with rifles on the ready. Few police to exert civic control, which is generally left to the self-discipline of the citizens. News stands full of daily journals and weekly magazines, including some criticising the politicians in power. School grounds full of happy children. Courthouses teeming with lawyers with their serious faces. Prisoners in custody led into court, but still treated with respect for their human dignity. An elected government: not too visible, not too intrusive. Sport and culture readily available to the people. Plenty of associations in which ordinary individuals can collect together to exercise their freedoms. A sense of tolerance of diversity. An underlying institutional strength essential if anarchy is to be replaced by the rule of law.

Walk the streets of such a country and the visitor will observe, even unconsciously, the indicators of the implementation of human rights. Of course, first impressions may be deceptive. Around the corner, in the back streets, may be the paraphernalia of oppression: monitoring



of civic activity, cruelty to minority groups and deprivation of fundamental human rights.”¹

Unfortunately, with the current international focus on Australia’s treatment of asylum seekers, this may be how Australia is perceived overseas. Australia has no Bill or Charter of Human Rights. Fundamental human rights are not guaranteed under the Constitutions of the Commonwealth or the States. Most Australians, however, would regard the protection of human rights, as a crucial part of the Australian political, social and legal framework. Protection of minorities in Australia is achieved under the law by parliamentary democracy, the operation of the common law or by legislation that outlaws discrimination. The guarantee of certain basic human rights to the individual is an important aspect of the observance of human dignity and integrity. While there is a general acceptance of the principle of equality before the law in Australia, we have not been meticulous in its application in the past, particularly where our indigenous people are concerned. More than 200 years after first settlement they remain among the lowest socio-economic group in the community, more exposed to illness and disease, with a shorter life expectancy and much more likely to be involved in violence and imprisonment for a range of offences. They are over-represented in both the juvenile and adult detention centres and prisons. In our efforts to move forward as a nation based on equality, we must first recognise and address the major ongoing problems “in our own backyard”.

¹ The Hon Justice Michael Kirby, *Indicators for the Implementation of Human Rights*, UNESCO, Manual for Human Rights Education, 18 January 1998 at http://www3.lawfoundation.net.au/resources/kirby/papers/19980118_unesco.html, 20 April 2001



My interest in human rights extends over more than 40 years when as a law student I came to the conclusion that the death penalty was cruel and inhuman punishment and should be abolished. I led student demonstrations both in favour of the abolition of the death penalty and the decriminalisation of homosexuality following the *UK Royal Commission into the Death Penalty* and the *Wolfenden Report*² on the subject of homosexuality. Following the example of my Great Aunt Edith Cowan, I have also endeavoured to foster the cause of women's rights. I am also pleased to be a supporter of Amnesty, and an Ambassador of the Red Cross in relation to International Humanitarian Law. I have been President of the Western Australian Branch of the International Commission of Jurists and Vice President of the Australian Section, or ICJ, Chairperson of the Judicial Section of Law Association for Asia and the Pacific, or LAWASIA, and a member of the governing Council of LAWASIA. I am Deputy Chair of the National Committee of Human Rights Education, a member of the "Bringing Them Home" Committee, patron of the Coalition of People in the context of reconciliation, and am actively involved in many other human rights initiatives.

The work of ground-level human rights groups, such as Amnesty and other non-governmental organisations involved in human rights, share the same purpose and compete for the same scarce resources. It is crucial and important work to gather information and mobilise public opinion to influence the promotion and implementation of human rights by governments. It is too easy to pass over and ignore violations of human

² (1957) *Report of the Departmental Committee on Homosexual Offences and Prostitution*



rights, which are not affecting us directly. The development and preservation of a multi-cultural society requires tolerance. Racial, religious and behavioural tolerance is not enough. The development of this tolerance requires both knowledge and understanding. The greatest impediment is ignorance. It is hoped that this year's Conference will go some way towards achieving this objective by way of broad dissemination of information and continued education.

On behalf of the National Committee I congratulate the Hon Justice Pierre Slicer, and his wife Tonia, and those who have worked with them in the organisation of this Conference, which is the second to have been held in Hobart.

The 2003 Conference in Sydney was concerned with the challenges in relation to human rights in the context of religion, government, security and civil rights in response to terrorism, civil unrest and international instability.

It is intended that this Conference will address the modern scope of human rights issues relating to multiculturalism, violence, disability and gender from day-to-day perspectives focusing on the delivery and defence of human rights in the community.

Introduction of Lieutenant-Governor, Chief Justice William Cox AC, RFD, ED

I now have the privilege and pleasure of introducing the Lieutenant-Governor and Chief Justice of Tasmania the Hon William Cox AC. His honour has been a Judge of the Supreme Court since 1982, Chief Justice of Tasmania since 1995, and Lieutenant-Governor since 1996. Since the



1970s he has held many positions of distinction within the army and provided great service to the Army Reserves, actively serving from 1954 - 1975. He is also the current President of St John's Ambulance, Australia (Tas.). In 1999, Chief Justice Cox was made Companion of the Order of Australia (General Division) for Services to the Law and the Administration of Justice, Legal Education, to the Defence Force through the Commonwealth Defence Force Discipline Appeal Tribunal and to the Community, particularly through the Winston Churchill Memorial Trust in Tasmania. It has been my great pleasure to have known His Honour since we met as law students in the National Law Mooting Competition in Perth in 1958, when he and his predecessor as Chief Justice represented the State in the Competition between the Australian Law Schools. It is with great pleasure that I invite His Excellency to open this Conference.

[Chief Justice William Cox to Open Conference]

Thank you very much your Excellency. On behalf of the National Committee I have pleasure in presenting to you a Citizen of Humanity Certificate as a symbol of our gratitude.

Introduction of Mr Michael Mansell

It now gives me great pleasure to introduce to you, the renowned Aboriginal activist, Mr Michael Mansell. Mr Mansell is a barrister and solicitor. He graduated from the University of Tasmania and is only the second Tasmanian Aboriginal to be admitted to practice the law in this State. He has represented his people, both within Australia and



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internationally. He was a member of the group that negotiated with the Australian Government in the development of the land rights legislation following the decision in Mabo. He has also been involved in the ongoing treaty negotiations.

[Michael Mansell to speak]