

Protecting Human Rights in Australia

Workshop Report
Now We the People Conference
Melbourne July 30-31, 2005

This report sets out the proceedings from a workshop on 'Protecting Human Rights in Australia', held at the Victorian Trades Hall on Saturday 30th July 2005.

The workshop was part of the Third National 'Now We the People' Conference, and in 2005, the conference theme was 'Advance Australia Fair: Building Sustainability, Justice and Peace'.

'Now We The People' is a national organisation, based in Sydney, which 'brings together a wide range of institutions, movements and individuals to try to make a difference to the direction of Australian society and a contribution to a global movement for justice and ecological sustainability'. NWTP's website is at <http://www.nowwethepeople.org/>

The conference was attended by over 300 people, from many different backgrounds including: health, education, academic, law, trade union, indigenous people, the peace movement, the community and non-government sector, environment, political parties, churches and media.

The human rights workshop was attended by 39 people, and was conducted 'interactively', using the ZING process. This is, in effect, a form of electronic focus group, designed to maximise individual contributions and enable everyone's view to be treated equally; responses are projected and recorded instantaneously (see Appendix A for more details).

The workshop was constituted around responses to nine key questions. The questions and responses are set out below.

Facilitation was by:

- Professor Mike Salvaris, Institute for Community Engagement, Victoria University
- Ms Sarah Nicholson, Federation of Community Legal Centres
- Ms Lindy Bracey, Footscray Primary School
- Mr Ken Schmack, Footscray Primary School.

The workshop organisers would like to express a special thanks to Footscray Primary School for the services of Lindy and Ken, and the use of the electronic equipment.

At the end of the session, participants unanimously agreed that this report should be forwarded by the Federation of Community Legal Centres as a submission from the 39 participants, to the current Victorian government consultation on human rights.

Focus questions

1. What do human rights mean to you and why are they important?
2. How would you rate the health or strength of human rights in Australia today on a scale 0 (appalling) to 10 (extraordinarily good)?
3. In Australia today, what are the most serious human rights problems or failures, and which groups are most vulnerable from a human rights perspective?
4. How would you summarise in a sentence the attitudes of most Australians today to human rights (positive or negative)?
5. What do you think are the most serious obstacles that prevent stronger human rights in Australia?
6. Invent a good slogan for a national public education campaign to promote human rights.
7. What are the most effective legal and constitutional actions or strategies to strengthen human rights in Australia?
8. What are the most effective actions and strategies to strengthen human rights in other areas (political, community, education, union, bureaucracy, research etc)?
9. Describe in a sentence or two your vision or ideal for human rights in Australia in 20 years time.

1. The meaning and importance of human rights

What do human rights mean to you and why are they important?

- freedom of choice which gives a person dignity
- human rights are important because they limit the actions a government can take against its citizens
- a universal set of basic entitlements to protect the vulnerable
- the right to participate and have views acted upon
- undermines privilege
- a universal system which can provide a basis for equality among people
- they allow people to live harmoniously
- shelter, food, good company, time to look at the stars
- civil freedom
- they are needed for a fair society- everyone is equal and able to live, work and play fairly
- equal rights for autonomy and assumed equality
- to be able to live with dignity, to live with dignity
- human rights are the minimum requirements for a life of quality and dignity. They are important to me in the way I feel about the race I belong to - I want to be proud!
- they speak about equality, dignity and fraternity of people
- access to facilities enabling harmony and balance in life. Allows individuals to achieve an optimum
- basic human rights, fully implemented give the basis for a just society. They are important to me because that give me security and comfort and equality

- respect for all and recognition that every individual has rights
- guaranteed shelter, basic human needs
- equality of all humans must also extend to all living things
- human rights are the deepest statement of the values that underlie the idea of decency. As such, they are a solid and important basis upon which to build other ethical and policy decisions
- a code of conduct for government, an expression of basic values and ethics, a way of ensuring basic protection for people and communities
- they are important because they ensure that people may relate to each other without prejudice
- the right to shelter, food, income, participation in a community. The right to be. Important to feel you can be all that you can be
- human rights define a basic humanness by which a society organises itself for the health, dignity and wellbeing of all
- each individual's right to resources and an environment to achieve a desired quality of life
- rights protect minorities from domination by the majorities
- the right to safely access food, shelter, medical treatment.
- human rights give the lowest benchmark that all people should expect in their lives and without them we cannot all be free and equal members of any society
- respect for the value of all human life, and for all to have dignity. Caring for all in the community of humans. Human rights as per UN protocols as an expression of shared values
- anything which each human is entitled to - without negotiation
- values people and life, ethical base to act, enables everyone's voice, softens politics to basic concerns for all, counters individualism, benchmarks for human engagement
- universal entitlements
- I believe that human rights are important globally because I access them on a daily basis without restriction
- right to food, shelter, respect as individuals, justice
- human rights are the basic requirements for all people to live with dignity and with self-expression. They are important for people's wellbeing on a number of different levels
- basic way to organise society in a fair and just way.

2. The general health of human rights in Australia

How would you rate the health or strength of human rights in Australia today on a scale 0 (appalling) to 10 (extraordinarily good)?

Responses ranged from 3 to 7 and averaged 4.9

3. Key human rights problems in Australia

In Australia today, what are the most serious human rights problems or failures, and which groups are most vulnerable from a human rights perspective?

- indigenous people
- political persecution of the green left
- equality before the law
- people applying for asylum in Australia
- immigration detention
- right to seek asylum;
- asylum seekers and refugees
- asylum seekers and refugees
- asylum seekers
- indigenous Australians
- indigenous people
- elderly
- unequal access to basic needs
- disabled people
- discrimination,
- seeking asylum
- adequate standard of living, social security
- arbitrary arrest
- indigenous people
- asylum seekers
- Muslims
- children
- indigenous people
- right to an adequate standard of living
- refugees
- rest and leisure
- NESB (Non- English speaking background) people
- single parents
- right to education
- indigenous Australians
- refugees
- indigenous Australians are most vulnerable
- the mentally and psychologically vulnerable: the 'supposedly' mentally ill.
- asylum seekers
- eccentrics

- refugees
- rights to freedom of speech
- disabled people
- privacy rights
- people on lowest rung of socio economic ladder
- the poorer elderly
- all children to have access to a safe environment
- mentally ill
- indigenous Australians
- everyone except white, middle Christian male
- low income
- right to an adequate standard of living
- protection of the rights of intellectually disabled and others not able to defend themselves
- right to education
- equality before the law
- lumpen proletariat
- fairness and humaneness for asylum seekers
- no degrading treatment or punishment
- social and economic rights including right to housing and health
- children and children's rights
- the homeless
- mentally unwell
- aboriginal communities
- children
- the rights of those psychiatrically detained
- indigenous
- asylum seekers and refugees
- failure to have inclusive society where everyone is equally valued
- right to seek asylum
- everyone who differs from the dominant power base is vulnerable: the right just to exist as humans is under most threat
- rights ignored
- asylum seekers
- people low on socio economic rung,
- people with mental health issues
- asylum seekers.
- failure to acknowledge inequalities inherent in society
- indigenous right to self determination, land rights
- right to collectively organise and bargain
- right to education health care

- land rights
- housing
- indigenous communities
- individuals remote from their community
- right to movement, expression
- right to seek asylum, problems for refugees
- young people
- mentally ill
- presumption of innocence
- right to rest & leisure
- right to freedom of expression
- we are all vulnerable
- rights of indigenous people
- access to education
- justice in employment
- access to justice process.
- TPV holders , migrants of less than 2 years
- rural poor
- prisoners
- prisoners
- Muslim community
- women
- women
- migrant community
- trade union rights
- young men

4. Community attitudes to human rights

How would you summarise in a sentence the attitudes of most Australians today to human rights (positive and negative)?

- apathetic
- "the government knows what it is doing. We don't want to harbour terrorism"
- theoretically positive, practically negative
- majority - apathetic
- many people think they have human rights already
- people's expectations are low
- uninformed, often apathetic

- human rights are important but not inviolable, and potentially not as important as being kept "safe"
- a minority are passionate
- aware but feel powerless
- moving towards US system of the primacy of individual rights
- most don't appreciate how many of our rights are assumed rather than protected.
- generally human rights are not in the Australian consciousness
- many people's concern for economic security and law and order protection clashes with human rights
- a hardening of attitudes in conservatising times
- we tend to focus on our own needs ... it depends on the time in our lives e.g. working life rights
- taken for granted
- prejudices have an impact on people's attitudes
- most would agree to the basic rights for adequate food and shelter - but many would also dispense with these rights once a 'person' might be considered incapable of having personal knowledge of these rights.
- in theory, concerned with human rights; in practice, people are currently more concerned with their perceived 'safety'
- ideologically in favour, but in reality "I'm ok, Jack", so no action.
- moving away from the social good and collective good to the primacy of the individual, but still want to keep the notion of social good
- relatively uninformed and apathetic until it personally affects them or someone they know
- a belief that we are doing better than other nations, but the reality is being challenged
- if you are Australian you believe you have human rights.
- often theoretical knowledge only - not able to relate it to true life situations
- do not support individual privacy over the common good, collectively and equally defined
- most people think that if their rights aren't affected, then they needn't worry
- "fair go" but what this means in detail is not much thought about
- many people are indifferent to the issue
- some people say 'I am happy with what I've got, so leave things alone'
- unless people are directly affected by an erosion of rights or have a particular interest in human rights, then I believe most Australians are currently indifferent.
- selectively focused on certain groups, classes or races
- due to our supposed democracy and freedom, the majority of the population do not bother to think about human rights
- not interested unless directly affected
- there is an element within our society that view the discussion of human rights as coming from groups who do not wish to take responsibility for their actions and lives.
- there appears to be a divide in opinion on what constitutes 'capacity'
- limited knowledge of individual, human rights.
- I think many people are placing their own self-interest and ideological beliefs over human rights for the collective community.

- people believe human rights can be overruled by a majority vote
- where are our responsibilities?

5. Barriers to human rights

What do you think are the most serious barriers to stronger human rights in Australia?

- John Howard
- reluctance of Australian electorate to amend constitution
- apathy
- globalisation
- power structure, persons, corporations etc
- lack of community education
- democratically elected dictatorship
- pre-baby boomer liberal voters
- climate of fear
- in contemporary culture: quite simply, the current Federal neo-Liberal dominance
- globalisation
- conservatives
- insecurity, people so willing to accept erosion of rights to protect against phantom risks
- white males
- ideology of self interest
- the Attorney General's Department
- Powerful white Liberal males
- neo-liberalism
- lack of knowledge and unequal access to resources
- legal system
- prevailing ideology that we have the right to be protected against a perceived threat and that all other rights are negotiable in the face of it.
- ignorance
- police/criminal justice system
- media/government misinformation
- neo liberalism
- the strong role of business in Australian politics
- the attitudes of the far right
- concentration of media ownership
- government commitment to privatisation of services
- government supporting corporations interests instead of peoples'
- women who don't think that speaking up matters

- our two major political parties are exempt from privacy legislation and freedom of information laws
- lack of knowledge about rights and obligations
- the dominance of the male-rationalist dominated medical model
- my parents' generation
- individualism - thinking beyond yourself-
- the belief that some races are superior than others
- the Packers, the Murdochs and other global players for individual power and control of resources and profit
- lack of ratification of UN conventions and covenants
- dominance of the medical profession
- country Victoria
- lack of real connection to different people in the community results in uncertainty about protecting the rights of strangers: lack of a collective ownership of rights
- need for people to come together to demand rights, rather than wait
- the market economy or neo liberal ideology fundamentally opposes, social and community rights and economic rights like access to health, housing education etc, and ecological rights i.e. access to clean air water and undamaged forests etc
- governments, corporations
- US imperialism
- lack of knowledge and/or belief in people's power to carry through with their rights
- culture of fear overriding our sense of humanity
- our relationship with the USA
- capitalism
- our own apathy
- current climate of fear
- US pharmaceutical companies
- community fear
- media
- individualisms
- consumerism
- those with not being
- we forget that we are all human
- federal government policies and proposals
- political and religious pressure groups
- private control of mass media
- the increasing individualisation of society within the global consumer focussed world we live in is contributing to the current malaise
- attitudes – apathy, unless it affects oneself
- an ideology that purports to represent individuals but in fact only represents powerful individuals and negates the rights of people to act as a community or collective
- fear of taking on the powerful people

- media
- populism,
- lack of political interest by population
- escapism-based society
- unequal distribution of wealth impedes human rights
- apathy due to lack of faith in the ability of self to affect change and connected community action to multiply it
- lack of knowledge
- apathy
- fear
- campaigns by politicians.
- western values on individual monopoly of power create extremes of wealth and poverty
- civics education
- politicians with personal agendas.

6. Public education

Invent a good slogan for a national public education campaign to promote human rights.

- No rights is wrong
- The ability to extrapolate
- Human rights are for everyone
- Change the normal smile act local vote informal
- Human? Righto!
- Helpless, prisoner, vulnerable - it could be you
- Health, wealth and environment for all
- Human rights - everyone's responsibility
- Right the wrongs in Australia.
- Human rights: be alert, not alarmed
- I'm alright Jack ... but how about you?
- Equal rights, equal space
- It's all about you so come on board
- Emancip8 NOW!
- It's not wrong to insist on your rights
- Fight for your basic rights, fight the fight
- You, me us
- Human Rights for all people, not just those in power!
- Support Human Rights: right the wrongs.
- Human beings, human rights.

- Equality for all.
- Rights, respect, justice
- Who giveth and who taketh away?
- Visit Christmas Island and enjoy human rights
- Be aware of Human Rights, help educate the haves and have nots
- Fair play all around
- teach politicians to be human
- A pizza divided shall never be reheated
- Rights right!
- Your space, my space, our space to share
- Don't forget the gas chambers. Human rights are everyone's concern.
- Wrong/right, left/right - we all need rights
- We the people should have the right to associate, act collectively and strike in order to address imbalance caused by the government's policy.
- It could be you : protect the rights of all
- For a fair go -protect your rights
- Imagine the possible
- Politicians lack humanity
- Team players share team rights
- The rights way is the right way
- Human right alright

7. Legal and constitutional change to strengthen human rights

What are the most effective legal and constitutional actions or strategies to strengthen human rights in Australia?

- referendum for a Constitutional Bill of Rights
- Bill of Rights in national constitution plus education of the Australian people to be able to use this Bill
- adequately fund the legal aid network
- Bill of Rights linked to UN treaties, which allow for UN intervention where rights are compromised
- initiate a revolution
- all laws enforced with strict impartiality
- community legal education and community education in general - at the grass-roots level
- human rights should be encased in law and ensure HREOC or a similar non-government body has the power to overturn laws that erode these rights.
- appoint a Human Rights Commissioner, who cannot be dismissed by the whim of a politician.
- appoint a people's committee to oversee people's rights
- enforce UDHR by sending contraveners to Baxter Detention Camp
- begin a campaign to educate the people on the need to protect their rights

- introduce a Bill of Rights
- an amendment to instill a Bill or Charter of Rights in the constitution so that all laws must meet the principles of rights embodied therein: political, industrial, economic, cultural, social etc
- enforce human rights as law
- revolution!
- legal rights education in schools
- as with the South African model, social, environmental, civil, political and economic rights, protected by the legislation, the courts and supervisory commission.
- politicians acting in the public interest
- civics and human rights education in schools
- national bill of rights enforced as law
- class actions should be encouraged
- human rights should be included in all policies
- appoint human rights commissioner with powers to review legislation and practices at community and governmental levels
- allowing legal action to be taken by people who have had their human rights impinged and creating systems to help them use this legal recourse
- throw John Howard overboard
- we need a people's movement more than legislation
- some selected rights need to be enshrined in the constitution and other statutory law, and a body set up to review all laws with respect to possible breaches etc
- access to legal system irrespective of economic or educational background.
- a Charter of Human Rights is a good start. There would need to be monitoring of the outcomes.

8. Other changes to strengthen human rights

What are the most effective actions and strategies to strengthen human rights in other areas (political, community, education, union, bureaucracy, research etc)?

- grass roots activity
- 'flashmobs' (intensive computer sessions) for democracy
- more funding for CLC's to provide community legal education in their own communities
- getting people thinking of themselves as citizens rather than consumers and as parts of nations rather than parts of companies.
- community consultations by government need to be conducted in formats which use relevant community languages
- fine individual politicians each time a constituent 's human rights are violated
- if a guardian is appointed for the intellectually disabled, who monitors the monitors?
- community consultations in places where people naturally gather for different purposes: outreach
- community education
- commissions of enquiry and auditing, review,

- corporate accountability in human rights context
- extra funding to social security to protect basic economic rights.
- people being able to voice an opinion without fear of recrimination
- name the specific group of human rights that matches the grants for indigenous people
- introduce a people's court
- encourage more participation in civil society with more focus and activities in the media
- advertising campaigns humanising those who have suffered abuses of human rights here and abroad.
- empower youth to challenge human right abuses
- legal aid-style body for those who have suffered abuses, with some recourse to advocacy.
- empowerment of oppressed groups through engagement and education
- cultural change in the public service away from discriminatory practices
- make corporations responsible for their actions and expected to maintain human rights
- encouraging, through education, the concept that everyone has the right to human rights
- community education
- advocacy and lobbying
- working collectively for change
- education in schools,
- make the masses aware - hard hitting storylines on "Home & Away" & "Neighbours".
- an audit of human rights
- community and promotional discussion in the community about what are human rights, then consultations
- education strategies in the education sector
- establishment of commission or like bodies for review and protection of rights
- lawyers should be held in contempt of court if they disregard human rights
- a peak body which interacts with all stakeholders in society to encourage awareness-raising, new ideas for education, adoption of human rights within corporate social charters and importantly advocacy for change.
- municipal committees to oversee human rights abuses
- we need a community awareness campaign about what human rights are - then we can introduce those elements into other areas. Many people are unsure what human rights are and basic government services are for example.
- the community forcing the government of the day to make offending corporations do the right thing
- philosophy and civil rights as compulsory subject in school and post secondary education.

9. A vision for human rights in Australia

Describe in a sentence or two your vision or ideal for human rights in Australia in 20 years time.

- Australia, run by the people, for the people, of the people
- all people feeling equal in all respects to everyone else!
- 'eudaimonia' - a society which exists to empower all within it to be the best human being they can be, physically, spiritually, intellectually.
- One that is not isolationist promotes and supports human rights outside Australia
- all things to all people
- an interactive society based on the respect of all individuals
- no such thing as temporary protection visas - they instantly become permanent!
- I am reminded of the vision of France- in their kind of emphasis on a secular society emphasizing autonomy and citizenship rights for all - however imperfect the practice in reality.
- a clean environment, with access to health, housing, education for all, and with a special value placed on the protection and nurturing of children.
- we won!
- a fair go for all
- self determination for indigenous people, with economic independence starting to happen in most of those communities, the humane and caring treatment of the ill, the mentally ill and those who seek sanctuary in our community
- a celebration of diversity.;
- diversity is respected and embraced
- everything based on love encouraged, everything based on fear subverted
- no more 'tolerance', but acceptance and understanding.
- a country to be proud of where we are seen as leaders in promoting rights. where people are free to reach their potential regardless of race, age, physical characteristics or gender
- In 20 years time I will be 77 years old. I would hope that I am financially secure, independent and that my 'great grandchildren' have access to adequate health, education, social and spiritual well-being ... and that my neighbour has the same access
- where all Australians promote human dignity
- indigenous self determination and treaty signed. Equal participation in a participatory democracy and equal access for all to a globally sustainable standard of living .
- humility and gratefulness the norm
- a place where all people can access safe and secure services and resources and environment to lead a quality life.
- no more fear tactics and an end to racism, rather a total respect for equality of persons.
- where respect is the beginning and end of all social relationships
- everyone able to live to their optimum potential in a healthy supportive environment, socially culturally and naturally.

- a truly multicultural Australia without fear and equal opportunity for all
- a conference like this is not needed as all is well!
- an environment which is occupied in a sustainable way by vibrant multicultural communities
- we need a conference to congratulate ourselves
- a society based around the health of the environment, human rights - rather than wealth and corporate power.
- everyone's rights respected irrespective of ethnic background, religion, occupation , educational level, financial status
- people living in Australia have access to housing, health, education, credible opportunities to earn a decent living and freedom to choose a desirable family life and protection for the vulnerable members of the community.

Appendix

About the ZING workshop process

ZING is essentially a kind of computer-aided brainstorming process, or an 'electronic focus group' which is a considerable advance on the days of butchers paper and textas. It is also quite a sophisticated research tool with many different uses.

Workshop participants sit at tables of three, arranged in a U-shape with a big screen at the front, and enter their responses on keyboards on their tables.

The session usually lasts for 2 hours at most and is framed around six or eight critical questions agreed beforehand. Each question is briefly introduced by the facilitators, mainly for clarity and to give examples of the possible parameters of responses, and stimulate participants to think widely; but at this stage there is no debate.

Participants are then given about 5 minutes to type two or three short 'ideas' or responses to the question, off the top of their heads and without worrying too much about correct spelling or grammar. Lengthy sentences are discouraged. If they like, people can discuss the issue first with their two table mates.

Each separate idea or response is keyboarded in separately, and after each one, the participant pushes a keyboard button which transfers it onto the screen along with everyone else's responses. But the critical thing is that all responses are 'anonymous': there is no identification back to the particular respondent.

When the time is up (and facilitators often find that participants are so enthusiastic that its hard to get them to stop) all the responses are put on screen together, and volunteers are asked to read out each response alternatively. The aim of this is twofold: first to ensure that everyone's response is given recognition (even if briefly); and secondly, so that everyone gets a sense of the whole pattern of responses and the main trends. Facilitators will then ask the participants if they can see such a pattern in the responses, and if some issues seem to have been left out. The 'read out' can take a few minutes (90 responses from 30 participants is quite normal); but it is a valuable part of the process. It's also a good way to stimulate and provoke participants; most people are surprised by the power and range of ideas collectively that can be generated by the group in a very short time.

To make the process work best, some simple ground rules are necessary. The first is that everyone's idea is equally valuable. The second is a 'no debate' rule: the aim of these workshops is to generate as many ideas and responses as possible, and for everyone to have an equal say.

The AnyZing workshop processes has a number of advantages, compared to more traditional forms:

- Results can be seen immediately and collated and printed off within hours.
- It is democratic; everyone's view is equal, and 'loud voices' and 'experts' cannot dominate. What results is more genuinely a collective and representative view.
- Because responses are anonymous, most people feel less inhibited about expressing their views.
- The program itself has multiple uses (only the basic 'focus group' function is described here). For example, the software enables questions to be put as options and voted on; it can collate responses into tables; and it can perform more complex analysis of responses such as theme and language analysis.
- All of this makes it much quicker and easier to write a quite comprehensive report of the workshop proceedings. (This is a boon for those of us who remember the difficulties of collating huge piles of butcher's paper and trying to decipher multiple scrawls.)

Perhaps the best features of this process are, first, that it is genuinely enjoyable and stimulating for participants. Invariably they will have worked quite hard in the time, but almost all will say how much fun it was.

The second big plus is that is an extremely efficient way to elicit and record a lot of ideas in a short time: it is very productive (a very necessary quality in modern life!).

From a research perspective, the AnyZing process cannot be said to be a scientific or rigorous survey methodology; but it is a quite legitimate qualitative research tool, a way of scanning and range finding to identify the breadth and diversity of issues, and good specific examples. In that sense, it is very useful and can be cited authoritatively if appropriate qualifications made.