

**STANDING IN ANOTHER'S SHOES AND  
WALKING ROUND IN THEM**  
**Human Rights and the Educational Endeavour**

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The views and observations that follow are highly subjective and shouldn't be sheeted home to the Human Rights Council of Australia, the Dusseldorp Skills Forum, or for that matter any others I might work for. At the same time I would like to acknowledge the work of my friends at the HRCA -particularly Andrea Durbach- my colleague at DSF, John Spierings, and others whose work I draw on here.

In the autumn of 1972, the year I sat the School Certificate, I read *To Kill a Mockingbird* for the first time. Scout and Jem and Dill, Boo Radley and, of course, Atticus Finch, became a part of my life. Every eighteen months or so since then, we sit down together and renew our acquaintance.

I learned a great deal from these people. What struck me then and has always stayed with me is the sense of just how varied and wondrous, cruel and beautiful and flawed and truly heroic we humans are.

Harper Lee's work spoke to me at least about our shared humanity, the way we relate, about respect and justice. She spoke to me about the destructive powers of ignorance, and prejudice.

*To Kill a Mockingbird* has been a constant reminder to me that the human is the essential determinant of rights.

The priceless gift was given to me by a teacher. So I would like to say straightaway I am truly delighted to be here tonight. It is in part an opportunity to acknowledge your work and its importance. More than this, it gives me the chance to say 'go for it' - human rights and education are a natural fit and I feel I have been waiting a long time to see them come together.

#### Approach outlined in this paper

The subject given in the agenda is 'Human Rights in Education', I will actually be talking about 'Human Rights and the Educational Endeavour', the reason being that the Human Rights- Education relationship is multi-layered.

Katerina Tomasevski and her colleagues at an organization simply called 'Right to Education'<sup>1</sup> have developed what they call the 4A Scheme. The four A's representing:

- Availability (e.g. funding)
- Accessibility (e.g. girls)
- Acceptability (e.g. content/curriculum)
- Adaptability (e.g. children with disabilities)<sup>2</sup>

For this evening, however, I thought it might be more useful to consider Human Rights and the Educational Endeavour under three broad headlines.

1. The right to education
2. Human rights in education
3. Human rights through education

#### Background

By way of introduction to the question of Human Rights and Education I would like to put two questions and make a couple of observations for your consideration.

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<sup>1</sup> [www.right-to-education.org](http://www.right-to-education.org)

<sup>2</sup> Right to Education, *Right to Education Primers No.3*, January 2001

The first question is this:

- What kind of Australian society do we really want?

I don't pose the question lightly. For us in this room at least it ("what kind of Australian society do we really want?") is a shared question and education is a very good lens through which to explore it further.

The second, related question is:

- What are the values we share as Australians?

The question itself seems to scare people - as if to ask it jeopardises our comfortable descriptions of Australia as a pluralist and multicultural society. Not unlike the happy family that dare not dig too deep into its past or look too closely at its present for fear of just what might be uncovered.

Yet I can't see that we can avoid it. In fact, the longer we do avoid it the greater the risk not just to our future social but also to our future economic well-being.

I won't pretend to have the answer and I'm afraid there's little guidance to be found in our Constitution and we really don't have core national documents –not even a Bill of Rights- espousing our national values.

However, for the sake of this conversation let me hazard a few guesses.

As Australians we believe:

- In the inherent dignity of each and every Australian
- In the core freedoms of conscience, belief, movement and association
- In democracy: not just as the right to vote but as the vesting of genuine authority in the people
- In the right of every Australian to participate in our society and thereby contribute to shaping our economy, politics and culture
- In doing your bit: that is, individual and shared responsibility
- In a fair go for all and so in equity as well as equality
- In looking after your own be that your family or your mates
- In enjoying –and affirming- life.

The last of these may well be a peculiarly Australain value but I kind of like it.

Others are more contentious. Do we share a belief:

- In the spirit or the spiritual?
- In secularism: the rejection of all forms of the religious, sacred or spiritual?
- In materialism?
- In competition?
- In excellence?
- In sustainable development?

- In tolerance and diversity?

No doubt there are many more suggestions and even more questions. My point, however, is that the kind of society we want, our values and the extent to which they are or are not shared values will directly affect our institutions. The corollary is that in the absence of clarity our institutions will reflect our confusion – and, dare I say it, probably end up satisfying no one.

For educators I'd suggest these are core questions, which go to the heart of just what we believe education is really for.

In this context, Human Rights hold a particular significance.

It was some years after I read *To Kill a Mockingbird* that I came across *The Universal Declaration of Human Rights*. It's preamble opens with these words:

‘Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human rights family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which humans shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law...’

And so the crescendo rises to proclaim in Article 1.

‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood’

Though the use of the word ‘brotherhood’ may jar a little, these are profound and inspiring words. All the more so for the fact that they were forged in the furnace of World War Two. How strongly they resonate still given recent events.

The Universal Declaration is essentially the foundation instrument of the international human rights framework. In the years since its adoption on 10 Dec 1948 it has been supplemented by a series of international treaties and agreements. Several key ones are cited in the Preamble to your own draft policy:

- International Covenant on Civil and Political Rights
- International Covenant on Economic Social and Cultural Rights
- Convention on the Rights of the Child

For too long we have thought of the international human rights framework only as legal texts forming a body of international law. Yet they are so much more. Not least the human rights framework is the only codification of commonly held, universal and internationally recognised values.

In the words of Francesca Klug, architect of the United Kingdom's Bill of Rights:

There is a view that in an era where deference has declined and no single dominant religion or other world-view binds the vast majority of individuals in the UK, we have lost the basis we once had for shared moral values.

Enter human rights; an idea whose time had come. It is not an ideology, or a belief system, in the generally understood meaning of the terms. It has little to say about many of the issues that preoccupy modern Britain. But new life has been breathed into the idea of human rights. It has never before occupied such a prominent position either domestically or internationally.<sup>3</sup>

She goes on to say:

Human rights are best understood as part law, part philosophy and part political movement. The values which drive the idea of human rights owe almost as much to poetry and music as they do to legal principles. They owe nearly as much to the spirituality of all the great religions and to the eternal quest for righteousness as they do to revolution and the demand for freedom from state tyranny.

Human rights are probably as significant as the Bible has been in shaping modern, Western values. With the coming into force of the Human Rights Act their influence in Britain is set to expand significantly. In a country where there is no one unifying religious or ethical world-view, human rights values have an as yet untapped potential to bind and cement diverse society. They are, I suggest, values for a 'godless age'. It is in these terms that they must be understood and judged.<sup>4</sup>

In effect, human rights offer us a common ground.

For these reasons and more I would argue that we should approach the question of human rights and the educational endeavour with great confidence, with optimism and with a sense of daring. We should certainly resist attempts to corral human rights by consigning their consideration to legal studies or thinking of 'human rights education' only in terms of teaching about human rights.

#### 1. The right to Education.

The right to Education is both an individual and collective right reflecting education's claim to delivering personal benefit and public good.

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<sup>3</sup> Francesca Klug, *Values for a Godless Age: the story of the United Kingdom's new Bill of Rights*, Penguin, 2000. p.2

<sup>4</sup> *Ibid.*, p.18

At it's simplest the right to education is generally understood as being a state's responsibility to provide free and compulsory education at least till the conclusion of the primary years or the designated age for compulsory attendance.

It is also worth pointing out, however, that the right to education is also subject to 'progressive realization'. Once embarked upon, there's no going back.

Most Australians I'm sure would confidently declare that all young people at least enjoy the right to education.

I'm afraid I couldn't share their confidence, for at least three reasons.

- A significant number of young people do not complete compulsory schooling often due to reasons beyond their control.
- There is ample evidence to convince us that the demands of a contemporary world require a higher level of skills and educational attainment- in effect a new 'threshold' qualification is emerging. This might be understood as the educational attainment necessary to participate in the economic, political and social life of the nation.
- Education has a 'multiplier' effect in terms of access to other rights- including employment.

We could all point out the appalling educational statistics of Indigenous Australians, the increasing number of young people leaving in Years 8 or 9, and I know you have identified concerns regarding detained young asylum seekers.

I would also highlight some of the findings from work we're doing at the Dusseldorp Skills Forum.<sup>5</sup>

The facts tell us that our economy is basically sound: we have enjoyed a period of sustained growth and though "times are hard" the fundamentals of inflation, growth and productivity are holding up. Indeed, many of us are doing pretty well" we're better educated, more asset rich (if you're over 65, according to NATSEM), generally healthier and living longer.

We can broadly accept these facts though there is fairly vocal dispute about our "happiness" and the related calls for a broader set of national indicators (rather than simply the economic indicators) that reflect a richer sense of national well-being.

What challenges us most directly is the substantial evidence that our general well-being is not just shared unevenly but is highly segmented- most clearly in concentrated regional disadvantage but increasingly in terms of educational attainment and age.

The findings of the joint NATSEM/Smith Family study of poverty in Australia, for example, show that the risk of poverty for Australians without post-school

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<sup>5</sup> The material that follows draws directly from the work of John Spierings and others published by DSF: [www.dsf.org.au](http://www.dsf.org.au).

qualifications is twice that of those with such qualifications. Those most at risk of poverty are no longer confined groups such as single parents and the aged, the position of younger single Australians who have left their parents has also become perilous, with almost one-third of them being in poverty.

In March 1998, The Dusseldorp Skills Forum published a report called *Australia's Youth: Reality and Risk*. That report, produced through the collaboration of seven of Australia's leading research organizations, focused on the learning and work situations of those young people 15-19 years old. The following year, working with the same team plus two, we published the companion volume, *Australia's Young Adults: The Deepening Divide*, which focused on 20 to 24 year olds.

These reports and subsequent research by DSF and its predecessor and others, including our recently released report, *How young people are faring, 2002*, paint a sobering picture of the challenges not all but a significant number of young people are facing in moving from school to some productive engagement in learning or work. For example,

- In May 2002 more than 211, 000 or 15.4% of teenagers were either:
  - unemployed
  - working part-time and not in education
  - not in the labour force
- The figure for NSW was the same at 15.4% (an increase over the previous 3 years)
- A quarter of 18 year olds and a quarter of 19 year olds are not in fulltime work and fulltime education.
- One-third of non-student teenage jobs are casual.
- 70% of teenagers in these "at risk" categories are early school leavers.
- School retention has fallen from 77% in 1992 to 72% in 2000 and is at 66% in the government sector (84% in the non-government sector). Just 66% of teenage males are staying at school to complete Year 12.
- Australia ranks 17<sup>th</sup> out of 28 OECD countries in terms of school completion.
- Although there has been an increase in educational attainment over the last decade, 14% of 19 year olds have not attained the minimum level of education deemed by the Finn report to be necessary to compete successfully over the long-term in the labour market.
- The overall cost to individuals, governments and the rest of society due to the disadvantages of higher unemployment, lower incomes and other costs arising from early school leaving is \$2.6 billion every year.
- Full-time teenage jobs halved between the mid-1980s and the mid-1990s.
- A quarter of young adults were either not in full-time work or not in full-time education.
- Australians aged 15 to 24 years have almost two and a half times (2.4) the level of unemployment recorded by adults aged 25 to 54 years.
- One in five non-student young adult jobs are casual.
- The proportion of young adults in low skilled jobs is increasing despite the rising level of qualifications held by this group.
- Compared to mature age workers, earnings of young adults have fallen by 20 per cent since 1976.

The research confirms what many suspect: there is a priority need to comprehensively address these issues of the so-called Youth Transition. And it is reinforced by the emerging evidence of the link between this particular transition and subsequent disadvantage in the labour market.<sup>6</sup>

The research tells us all too clearly that a significant minority of young people is effectively excluded from positive engagement with either learning or work. Their economic participation in society is, at best, tenuous.

Just as disturbing and, at this stage, less understood is the evidence suggesting substantial numbers of young people are simply disengaging from the political life of the nation. As of March last year, for example, twenty per cent of 18-20 year olds were not enrolled to vote. This, as you know, was only a few months before the Federal election.

In short, there are serious, continuing impediments to the enjoyment of the right to education with significant effect on the enjoyment of other rights extending beyond school.

## 2. Human Rights in Education.

Essentially, human rights don't disappear at the school gate. The principles outlined in the international human rights agreements and certain Australian laws apply.

This will not be news to you I'm sure. Nor will the issues:

- Entitlement to respect and dignity
- Appropriate punishment and consequent restrictions.
- Freedom from discrimination on various grounds including race, sex and disability.

And we should also remember that these and other rights don't just apply to students. Teachers, for example, retain their collective rights to associate and form a union, to a safe working environment.

In all these matters, and others, human rights have a direct bearing on the establishment and enforcement of minimum standards (quality, safety, environment, health)

Moreover, we must bear in mind the obligation under the Convention on the Rights of the Child to act in the best interests of each child.

In this respect Katerina Tomasevski points out that:

While schooling is available, it can deny rather than promote the best interests of each child. Educational curricula can be designed with a view to those children who will continue to higher education thus failing those who cannot

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<sup>6</sup> It's worth noting, in this context that while the economy grew by 21% from 1992 to 1999, employment only rose by 4%.



do so. The contents can be imported from far-away countries and be incomprehensible in the local circumstances. Methods of teaching can rely on force and violence.<sup>7</sup>

While written for a global audience, there is some resonance for us in her words. Human rights do have a bearing in both curriculum and pedagogy-as I'm sure any history teacher would recognize given the contested nature of so much in that subject in this country.

### 3. Human Rights Through Education

While I have a personal aversion to the word “empowering” I do retain certain affection for that apparently old-fashioned word “liberating”

An appreciation of human rights can indeed enhance education’s capacity to liberate our young people. At the least, there should be consistency with human rights principles in the messages conveyed, the methods used. How many of us would characterise our schools as places of peace, justice, co-operation, respectful of the dignity of each person?

But human rights are more than this – they encourage us to be the subjects not the objects of history. Participation, as understood from Human Rights perspective, is more than consultation or involvement. It is a capacity to affect the decisions that impact on your life.

When we truly begin to understand human rights and acquire a sense of dignity, or our worth, we cease to be beggars and become claimants.<sup>8</sup>

My friend and colleague, Andrea Durbach, speaks from her South African experience.<sup>9</sup> She tells the story of those prisoners whose perceived threat to the State was such that they were detained under the harshest conditions on the notorious Robben Island. These men created a life, "a University" they called it, within their prison, which would ultimately prepare them for shaping and leading the new South Africa. Some of these men are now guides at this “living museum”.

One, Sideeq Levy, who guided Andy on her visit to Robben Island, told her that Robben Island was known as "the University" not only because of what the prisoners learnt from books and correspondence courses - some of them earning multiple degrees while incarcerated for over two decades - but because of what they learned from each other, particularly from those who had little formal education, but had a great knowledge of the hardships of the world.

"We would work here for hours until our hands would blister and bleed", said Sideeq. "During breaks, study groups would form circles around the leader of a seminar who

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<sup>7</sup> Op.cit., p. 35

<sup>8</sup> For a brief discussion of a human rights perspective on participation see: Human Rights Council of Australia, *The Rights Way to Development: a human rights approach to development assistance*, HRCA, Sydney, 2001

<sup>9</sup> This story is taken from: Andrea Durbach, “Occasional Address, Arts and Law Graduation Ceremony, University of Wollongong”, PIAC, Dec 2000.

would raise questions and engage us in discussion about theories and ideas. Here, we were taught tolerance. I can say proudly that I can forgive. We left this Island, this university, wanting to negotiate, not as warmongers. It was here that we fought the struggle for the infants of democracy."

UNESCO's International Commission on Education for the Twenty-first Century, chaired by Jacques Delors, a former French Economy and Finance Minister, concluded that:

*...education is at the heart of both personal and community development; its mission is to enable each of us, without exception, to develop all our talents to the full and to realize our creative potential, including responsibility for our own lives and achievement of our personal aims.<sup>10</sup>*

They fully acknowledged the contribution education must make to economic and social development while also urging a renewed emphasis on the moral and cultural dimensions of education.

They describe learning as the "treasure within" and propose four pillars as the foundation for education:

- Learning to live together
- Learning to know
- Learning to do
- Learning to be

In short, learning can and should be transformational. To be so, it needs to speak to the fullness, the richness of our lives and it needs to be engaged with the world beyond the classroom. Here it here, in the real world, that human rights are meaningful.

No one, perhaps, puts it better than Mick Dodson in his first report as Aboriginal and Torres Strait Social Justice commissioner where he wrote:

Social justice must always be considered from a perspective which is grounded in the daily lives of indigenous Australians. Social justice is what faces you when you get up in the morning. It is awakening in a house with an adequate water supply, cooking facilities and sanitation. It is an ability to nourish your children and send them to a school where their education not only equips them for employment but reinforces their knowledge and appreciation of their cultural inheritance. It is a prospect of genuine employment and good health: a life of choices and opportunity, free from discrimination.<sup>11</sup>

I cannot stress this too strongly: human rights acquire their meaning in practice - in the reality of our daily lives.

### The Collective Challenge

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<sup>10</sup> Jacques Delors et al., *Learning: the Treasure Within*, UNESCO Publishing 1996.

<sup>11</sup> Michael Dodson, *First Report 1993*, Aboriginal and Torres Strait Islander Social Justice Commission, AGPS, Canberra, 1993, p.10.

The challenge for Australian education is a collective one. It must not be confined to the education cognoscenti and it must break the constraints of TER rankings, testing, industrial relations, timetables and the myriad other systemic functions.

The collective challenge goes to purpose and to will. Human rights have a potentially significant contribution to make. In this respect I can't encourage you enough to go forward with your own deliberations.

An education system that is clear about its values and unswervingly committed to them would I think not only look but be quite radically different. While not without its demands and difficulties, it could be a truly creative, energetic, fun, safe, stimulating and liberating place to be.

The choice is ours and it is there to be made.

In the last pages of *To Kill a Mockingbird* we find Scout standing on the porch of the Radley place and looking back on the events of her childhood, as Boo would have seen them hidden behind the curtains. She says:

“Atticus was right. One time he said you never really know a man until you stand in his shoes and walk around in them. Just standing on the Radley porch was enough”.

May your exploration of human rights, at the very least, offer more Australian kids the chance to stand, even if for only a short while, in another's shoes and walk around in them.