

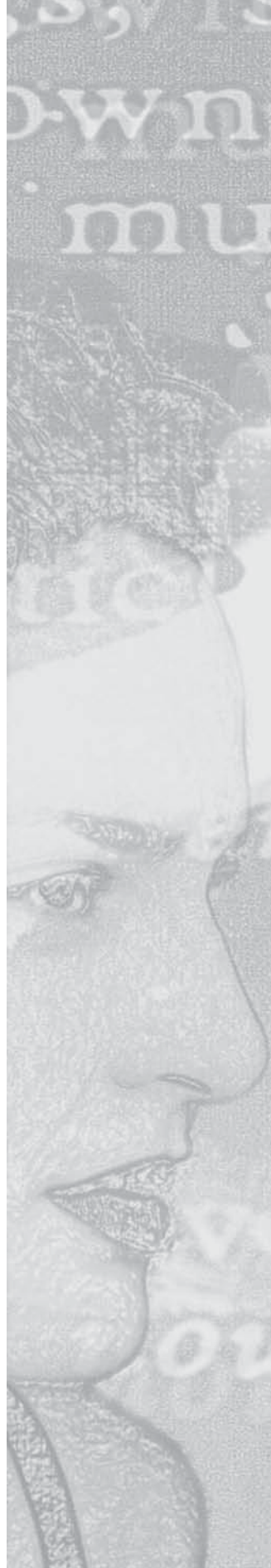
RIGHTS OF PASSAGE

A Dialogue with

Young Australians

about Human Rights

*Human Rights and
Equal Opportunity Commission*



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Rights of Passage: A Dialogue with Young Australians about Human Rights

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Preface

Rights of Passage is a record of what we heard in the course of the *Young People and Human Rights Dialogue*. Begun in April this year, the project's primary aim was to ascertain what young Australians know about human rights, and to listen to their views on a wide range of contemporary, rights-related issues.

In attempting to reach as many young Australians as possible, the Dialogue was conducted in a number of ways. First, focus groups were conducted in NSW, QLD, SA and the ACT. Second, a national survey was distributed to schools and youth centres nationwide, with over 400 being completed by young people around the country. And finally, essay and art competitions were held with over 140 entries submitted in total from all states and territories.

These young people variously described human rights as a range of things, from laws and religious principles, to family and community ideals, while also demonstrating a keen sense of social responsibility. They recognised that the enjoyment of rights creates a social contract, which reciprocally requires others' rights to be respected.

I was encouraged to find that young people were eager to share their observations on discrimination, equality, tolerance, vilification and many other topics. Overwhelmingly, their views embody some of the best characteristics of the Australian ethos: fairness, tolerance, egalitarianism, respect and celebration of difference. Their vision of the future gave me much cause for optimism.

The majority of young Australians, by global standards, are in a privileged minority with access to shelter, food, potable water, free health care and free schooling. They recognise this, while conversely believing that we should do more to support those in need in developing countries. Turning to our own backyard, they felt that Australia's first inhabitants were still being left behind and more could be done.

Young Australians believe families are fundamentally important to them. They support initiatives which might offer greater support to families in difficulty.

As persons still needing society's special care and protection, young people nevertheless want a greater say on those issues which directly concern them. They believe very strongly in the idea of supportive communities – and value access to services and respect from others in pursuing their interests.

However, young people need assistance navigating the wealth of information and opportunities available to them. The title of this report, *Rights of Passage*, acknowledges the bewildering nature of the transition these young people are making into active adult life. Many of the young people who so freely gave of their time to this project, said just this – given the multitude of ideas and facts bombarding them from a range of



media, how do they recognise which information will best empower them in their transition into responsible adulthood?

Our young people are not without their fears and concerns. Effective community education measures are part of a necessary toolkit designed to tackle some of the negative experiences our young people face: social isolation; mental health problems; bullying; racism; homophobia. 'Holistic' education is not only about teaching in the school environment, but also about encouraging the active involvement of youth with communities and organisations – experiences which also add to their learning curve.

It is highly appropriate that I am now ending my term as Human Rights Commissioner with a project involving young people, having also begun my term with a series of youth consultations in preparation for the UN Special Session on Children held in New York City in 2002. This special emphasis reflects my responsibility within the Commission for oversight of the implementation of the Convention on the Rights of the Child (CRC), and on that score 2005 has an added significance with regard to Australia's children and young people.

In September, the United Nations reviewed Australia's report on its implementation of the CRC. While significant progress has been made in many areas, there is still much we can all do, both policy-wise and practically, to ensure that all young persons living in Australia have the opportunity to enjoy the CRC's benefits. In that regard it is interesting to note that the Committee's concluding remarks gave support to the notion that Australia's youth would benefit from the creation of a Federal Commissioner for Children and Young People.

2005 also marks the first year in the UN World Programme for Human Rights Education, the first phase of which (2005-2007) focuses on education in schools. The Commission will be seeking ways to stay actively involved in the World Programme, and of finding ways to assist the implementation of the associated Plan of Action. Informing and educating young people about what their rights and responsibilities are can be empowering. It provides them with options, inspiring them to pursue their aspirations with a keen sense of their place in the broader community.

Rights of Passage provides a way of incorporating the views of young people into our thinking about future directions, and will also be of interest to youth workers, educators and policy makers.

I'd firstly like to extend my thanks to the many young people and staff of all the participating schools, youth centres and peak bodies for providing their time, expertise and opinions in contributing to variously, focus groups, the survey or the human rights essay and art competitions. A full list of all organisations participating in the survey or focus groups is provided in Appendix C.

Next to Dr Stephen Bochner and Dr Sandra Bochner for their ongoing assistance and expert consultancy advice.

Then to Prof Andrew Jakubowicz, Ms Dorothy Hoddinott and Dr Graeme Starr for providing valuable feedback on a preliminary draft of the report.

And finally from HREOC; project officer Gareth Boylan; Jan Payne who, among many roles, expertly oversees the Commission's human rights education resources; and research assistants Kym Vercoe and Nina Cullen.

Dr Sev Ozdowski OAM
Human Rights Commissioner
A/g Disability Discrimination Commissioner

November 2005



Human Rights Education in Australia

Human rights education for the children and young people of Australia has always been one of the key functions of the Human Rights and Equal Opportunity Commission (HREOC). Additionally, HREOC's legislation gives it responsibility for oversight of the implementation of the Convention on the Rights of the Child (CRC) in Australia. As explained below, the methods now employed by HREOC to deliver human rights education, especially into upper primary and secondary schools, has developed into a very sophisticated model.

However, it must also be borne in mind that no education curriculum at either the state or territory, upper primary or high school level, contains a stand-alone subject entitled 'Human Rights'. Consequently HREOC's materials are designed to try and fill this gap by encouraging teachers and by implication their students, to access a broad range of human rights materials that may be used in a wide range of different subject streams.¹

Because of this ongoing commitment to human rights education, and the fact that 2005 marked the examination by the Committee on the Rights of the Child of Australia's Second and Third Reports on implementation of the Convention on the Rights of the Child (CRC), a field study on the level of understanding Australia's young people possess about human rights was considered timely. Such research could then be used to inform the development of further teaching modules by HREOC, as well as providing interested external parties with valuable research data.

HREOC's human rights education programme for schools

HREOC has developed a structured online human rights education programme for teachers of upper primary and secondary school students.

The programme has been developed as a direct response to increased demands for human rights education resources in schools and the relative absence of relevant published material which can be incorporated into current Australian education curricula.

It has detailed links to the curricula of each state and territory and includes strategies for teaching about international instruments and domestic laws but, most importantly, encourages students to explore the relevance of human rights to their own experiences and communities.

¹ HREOC's 'Curriculum Links' documents are available at http://www.humanrights.gov.au/info_for_teachers/curriculum.html.



Outline of educational responsibilities in Australia

Constitutional responsibility for school education in Australia rests with the states and territories. Within each state and territory, education ministers, education departments, statutory authorities and individual schools determine policies and practices on areas such as curriculum, assessment and teacher training.

The HREOC human rights education modules provide cross curricula links to a range of key learning areas in every state and territory in Australia, as well as teaching materials and resources. Teachers can therefore teach about human rights within the requirements of their every day curricula activities.

Defining human rights education

As part of the United Nations Decade for Human Rights Education (1995-2004), human rights education has been defined, in part, as 'training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes.'

A useful understanding of human rights education has been provided by Jim Ife, Professor for Human Rights Education at Curtin University of Technology. Professor Ife argues that human rights education must include a focus on both rights and responsibilities, 'as the two are inseparable and one cannot sensibly talk about one without the other'²

He also suggests that human rights education should include an understanding of human rights 'from above' (as defined in laws, conventions, treaties and so on), as well as human rights 'from below' (as understood through our daily interactions with friends, family, colleagues and so on).

By incorporating a focus on human rights 'from below', human rights education engages people on questions such as what they understand their rights to be, how they view the rights of others in the community and where the responsibilities to meet those rights might lie.

This approach helps to ground human rights in everyday experience. It is the approach that HREOC has taken in developing and implementing its human rights education programme for upper primary and secondary school teachers and students.

In addition the General Assembly of the United Nations has proclaimed the World Programme of Human Rights Education to be structured in consecutive phases beginning 1 January 2005. The revised Plan of Action for the first phase (2005-2007) of the World Programme for Human Rights Education, which focuses on primary and secondary school systems, was adopted by the

2 J Ife, 'Evaluating Human Rights Education', paper presented at the Living and learning together: the role of human rights education in strengthening communities in New Zealand and the Pacific Conference convened by the NZ Human Rights Commission and NZ National Commission for UNESCO, Auckland, New Zealand, 11-13 July 2004.

United Nations General Assembly at the fifty-ninth session and distributed on 5 August 2005.

HREOC was involved with the development of the Plan and provided comments to the Attorney General's Department (AGD).

As the Plan of Action notes, primary responsibility for coordinating and implementing a national approach to human rights education within the school system should rest with that nation's Minister for Education. In Australia, the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), whose key function is the coordination of strategic policy at the national level, will also provide support.

The Plan of Action provides that national human rights institutions shall be invited to provide expertise, information and other resources in elaborating and implementing human rights education in schools programmes. They may be involved in training, material development, research, fundraising, advocacy and lobbying. HREOC's human rights education programme already fulfils this requirement.

HREOC's human rights education principles for upper primary and secondary school students

HREOC believes that the appropriate approach to human rights education is one that is engaging, relevant and discursive. If human rights are about human experiences, human rights education programmes should draw students into real-life situations relevant to their own experiences:

- Contextual: human rights are discussed in social contexts relevant to the learners
- Skills-oriented: human rights education develops skills, and is linked with literacy, numeracy and decision making skills
- Cross-curricular: human rights, as human experience, are relevant to all aspects of learning
- Discursive: learning is based on discussion, exchanging ideas and values, understanding human communication
- Inclusive: allows all students, regardless of their learning styles/abilities, to participate.

Educational outcomes

HREOC's human rights education resources are designed to assist students in developing:

- An understanding of what human rights are and an understanding of the origins of modern human rights
- An appreciation of the meaning and significance of the Universal Declaration of Human Rights and other human rights instruments

- An understanding of how human rights instruments are applied in Australian law and society
- An ability to apply the concepts of human rights to their daily lives
- An understanding of issues concerning refugees, migrants and Indigenous people
- Research and fact-sourcing skills, and an ability to think creatively and to communicate information to others
- Decision making skills, within individual, group and class contexts
- Literacy skills, including critical literacy, code breaking and comprehension skills, through reading and responding to a variety of texts, both orally and through writing
- Skills in describing, reflecting, interpreting, analysing, evaluating and higher order thinking.

Outline of HREOC resources available for upper primary and secondary school students

HREOC has developed a range of education resources, which focus on issues included in its area of statutory responsibility. In addition, HREOC's website features links to a comprehensive collection of national and international human rights education resources. The resources specifically developed by HREOC include:

Youth Challenge: Teaching Human Rights and Responsibilities

The Youth Challenge programme comprises four units of study:

- *Human Rights in the Classroom* provides an accessible overview of human rights: what they are, how they have developed and where they apply
- *Disability Discrimination – but what about Doug's rights?* explores the issue of how competing rights can be resolved in a school community environment
- *Young People in the Workplace*, examines issues of race and sex discrimination, as well as the legal rights and responsibilities of employees and employers in Australia
- *Tackling Sexual Harassment* addresses the issue of sexual harassment and how students can identify and address the issue, regardless of whether it happens to them or another student.

Bringing Them Home

This education module introduces students and teachers to some of the key issues in HREOC's Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

Face the Facts: Questions and Answers about Refugees, Migrants and Indigenous People

This education module provides online resources and further reading, to research, analyse and debate the issues facing different groups in Australian society.

A last resort? The National Inquiry into Children in Immigration Detention

To coincide with the launch of *A last resort? – The Report of the National Inquiry into Children in Immigration Detention*, two online activities modules were released to assist students in accessing the National Inquiry Report and the Summary Guide.

Paid Maternity Leave: Activities on Gender Equality in the Workplace

This education module draws on comprehension and oral/written composition skills to develop an understanding of gender and the workforce.

Each of these human rights education modules is explicitly linked to the curriculum framework that exists in each state and territory.

These curriculum links are clearly outlined in the supporting documentation of each module, providing teachers with the required language to describe the learning outcomes of HREOC's human rights education resources in their own programming.

Links have been established to subjects across a range of 'Key Learning Areas', including: Studies of Society and Environment (especially subjects such as History, Aboriginal Studies, Australian Studies, and Civics and Citizenship); English; and the Arts.

The education modules include detailed teaching notes and resources to help teachers deliver an effective teaching and learning programme on human rights. They also provide significant flexibility in how they are delivered – teachers can incorporate individual activities into an existing programme or teach the module as a whole.

Each of HREOC's seven human rights education modules are able to be downloaded from the HREOC website at http://www.humanrights.gov.au/info_for_teachers/modules.html.

Electronic mailing lists

HREOC maintains on-going communication with teachers and education bodies through an electronic mailing list. There are currently more than 5900 individuals that subscribe to this mailing list. HREOC provides regular updates which:

- Link to the most recent set of human rights education activities
- Review and link to human rights education resources
- Review the particular sections of HREOC's website which are useful for educators
- List upcoming human rights education events.

Delivery

The modules are delivered direct to teachers via the HREOC website at www.humanrights.gov.au/info_for_teachers.

HREOC also advertises in teacher magazines and other education press to let teachers know about the resources.

In addition, HREOC has experience in coordinating and presenting human rights education programmes for secondary school students.

The most recent Youth Challenge programme on 'Tackling Sexual Harassment in Your School' (2003/04) was presented to a total of 739 teachers and students in nine day-long sessions all over Australia. Over 90% of all participants rated the programme as either 'very good' or 'excellent'.

This programme was converted into the online education resource and now forms part of the Youth Challenge module.

Usage of online education resources

HREOC's online human rights education resources are widely used by educators, both nationally and internationally. Orders for CD-ROMs and other education materials have been received from all major universities, teachers at TAFE colleges, as well as a wide selection of public and private schools.

During the 2004-2005 financial year, the education resources received nearly seven million hits. Several state and territory education departments have incorporated the education modules into their teaching subjects.

Other (non-HREOC) human rights education resources for schools

A number of organisations other than HREOC are also active in the creation of new resources for primary and secondary schools in Australia. These include: the National Committee for Human Rights Education (NCHRE); AusAID Global Education website; National Museum of Australia; Amnesty International Australia; QLD Commission for Children and Young People and Child Guardian; Australian Museums and Galleries OnLine (AMOL) Discovernet website; Oxfam Australia; and the Racism, No way! website.

HREOC monitors the output of organisations such as these in order to stay abreast of other current practices in the creation of human rights education materials. Methods of cross-promotion (such as providing 'web links') are often sought with other organisations as part of the strategy for marketing HREOC produced education materials.



Data Collection

The *Young People and Human Rights Dialogue* consisted of four main elements:

- Literature review
- National survey
- Focus groups
- Essay and art competitions.

This varied approach was devised in order to cross reference the validity of data gained through various methods and to maximise the potential involvement of interested participants by allowing as wide a geographic sample as possible.

The time and resources available for the project did not allow HREOC to travel to all states and territories. Ultimately, however, the research sample was large enough for the research results to be extrapolated to provide a general sense of the knowledge and attitudes Australian youth have about human rights-related issues.

Focus group and survey findings will inform approaches to the design and delivery of human rights education programmes produced by HREOC.

Literature review

This selected review of academic literature summarises some prominent theoretical analyses of human rights-related attitudes and behaviours among young people, beginning with a broad overview of how theories of citizenship espoused by the ancient Greek philosophers have evolved into modern principles of human rights.

The review then looks closely at Australian conceptual studies of human rights, including recent trends in public education strategy such as the initiative to include theories of 'civics' and 'citizenship' into school curricula at the national level.

Finally, the review covers empirical studies using qualitative and quantitative measures of human rights-related knowledge, understanding and attitudes.

The concept of 'active citizenship' provides a theoretical rationale for the contents of many of the items in both the questionnaire and focus group procedures, with the aim of testing the hypothesised link between rates of civic and political participation ('active citizenship') and rights-related knowledge and beliefs (a 'human rights mindset').

The literature review is presented as an Appendix to this document.



National survey

In developing the most appropriate survey instrument to discover knowledge and attitudes young people have on human rights, HREOC sought the services of an independent researcher. Dr Stephen Bochner is currently a Visiting Professor at the University of New South Wales' School of Psychology, and is widely published and respected in the fields of 'cross-cultural' and 'organisational' social psychology.

The survey was designed to test the following:

- Respondents' overall knowledge and understanding of human rights (the absence or presence of a 'human rights mindset')
- Rates of civic and political participation among respondents (degree of 'active citizenship')
- The correlation, if any, between the presence of a 'human rights mindset' with the degree of 'active citizenship'.

The survey was piloted with a small group of participants in the school environment, with educators' comments on difficulties in administering the survey taken into account for the final draft.

1050 questionnaires were distributed to 26 high schools and youth centres in all states and territories, of which 437 (41.6%) were returned. The survey therefore produced a large amount of data, not all of which was able to be analysed for the present project.

Schools involved in the survey process included some schools who had previously participated in the focus groups. However, participants who had taken part in the focus groups were not invited to fill out the questionnaire. In this way, the survey participants were an entirely independent sample from the focus group participants.

Generally, surveys were administered in the classroom setting, with little or no interference from supervising educators. In a number of schools, the survey was successfully used as a way of introducing some topics which would eventually be taught as part of the curriculum in certain subjects, for example, Legal Studies.

Focus groups

Focus groups were conducted with 11-19 year olds across three states (New South Wales, Queensland and South Australia) and the Australian Capital Territory. Focus groups were administered by officers of the Human Rights Unit of HREOC at the host schools or youth centres.

The majority of participants were of Middle School age, i.e. 14 to 16 years, primarily because educators and youth workers who assisted in organising the groups felt that some of the concepts under discussion might be too challenging for younger participants. Senior School aged young people were less likely to be available due to work and/or study commitments.

Group sizes were usually limited to 12 participants per group, with each session lasting up to 90 minutes (generally based on a 'double period' of class time). In total, 16 focus groups were conducted in 13 high schools and youth centres between 10 March and 23 June 2005, 11 of which were attended by the Human Rights Commissioner. Care was taken to consult young people from a range of ethnic and socioeconomic backgrounds, in both urban and regional centres.

Focus group questions dealt with a broader range of issues than the questionnaire used in the survey but, as with the survey, the aim was to gauge both knowledge and attitudes in relation to various human rights issues and identify key concerns. Accordingly, a formal focus group questionnaire was used in all groups to guide respondents through the issues relating to human rights knowledge and attitudes.

Essay and art competitions

Launched July 2005, the 'Human Writes' personal essay competition and 'Rights in Perspective' art competition provided young people around the country with the opportunity to explore what the notion of 'human rights' meant to them in a more imaginative sense.

Each of the competitions asked young people to interpret 'human rights' in either a written or pictorial format, and prompted them to choose between dealing with the subject in a general sense or by focussing on a specific event or issue.

Both were open to young people between 11 and 18 years currently living in Australia. Youth who were no longer in the school system were encouraged to participate by additionally promoting the competitions through youth centres. A total of 113 essays and 30 artworks were received.

The subjects that entrants chose to write about or render in a visual medium provide some further insight into what is at the forefront of young people's thinking on the topic of human rights.



Human Rights Awareness Among Young Australians

Introduction

The formal history of human rights knowledge among the general population of Australia begins more or less with the end of World War II. This reflected interest in the creation of the United Nations in 1945, assisted by the fact that Australia's Foreign Minister, Dr HV Evatt, was heavily involved in that process, culminating in his election as President of the General Assembly in 1948. Subsequently, Australia was also influential in the development of the Universal Declaration of Human Rights and was one of the original countries to ratify it in December of 1948. The onset of the Korean War in 1950 provided a brief upsurge in awareness of United Nations' issues when Australia's 3rd Battalion, Royal Australian Regiment (3 RAR), arrived in Pusan on 28 September, as part of the United Nations' forces that halted the North Korean advance. But it is debateable whether this involvement, or subsequent Australian troop deployments in other UN peacekeeping missions, did much to imbue average Australians with a human rights culture.

Therefore, it is possible to assert that interest in and knowledge about human rights among most Australians was relatively quiescent until the mid 1970s when the federal Racial Discrimination Act was passed. This was the first domestically enacted law to give expression to a United Nations' human rights treaty, in this case the International Convention for the Elimination of all Forms of Racial Discrimination. This was then followed in the 1980s by the creation of the Human Rights Commission (HRC), amended in 1986 to become the Human Rights and Equal Opportunity Commission (HREOC), and then by the Sex Discrimination Act. The passage of these and other federal equal opportunity laws, which were gradually mirrored by the states and their accompanying oversight agencies, could be said to mark the beginnings of a more general understanding of the culture of human rights by the Australian community. It is only after there had been a slow spread in the understanding of human rights that the community could begin to gauge the level of importance they wished to impart to those rights – that process is a dynamic and ongoing one.

Therefore, in considering how much young people in Australia today know about, and value, human rights, it is imperative to remember that adult understanding and appreciation of these concepts really only began about 30 years ago.

As the **Data Collection** chapter outlined, this project used focus groups, national essay and art competitions, and a separate written survey to tease



out the degree of knowledge that young people possess about human rights. Reproduced below is a summary of the discussions and debates that took place within the focus groups on the 'case study' component of each session. Not surprisingly, the case studies proved to be an effective 'ice-breaker' for the young people because it got them talking and, most importantly, made them start to realise that they did have a certain level of understanding about human rights and equality issues.

It would therefore seem beneficial to expose the flavour and 'feel' of the 'case study' material at a similarly early stage of this report so that one can gain a level of insight into the thought processes and language employed by young people when considering real life scenarios that involve human rights issues. After this 'mood setting' we can proceed to an analysis of what their answers might mean, using the available feedback from all methods as appropriate.

Case studies

The participants were divided into four small groups, each responsible for debating one of four case studies.

It was hoped that these discussions would uncover the degree to which these young people understood that enjoying human rights incurred social responsibilities, with these case studies deliberately chosen to represent scenarios of 'conflicting' rights.

In their groups, respondents decided whether the case study under discussion was a 'human rights issue', giving reasons why or why not, before presenting their views back to the larger group. The entire cohort was then encouraged to join the discussion.

Case study 1 – Youth wages

Melinda has worked at a fast food outlet for nearly 3 years. She began working there when she was 16 years old on a casual part-time basis. Melinda worked on average 11 hours a week and was paid around \$8 an hour. When Melinda turned 18, her wage increased to \$10.50 an hour but her shifts were cut back to only 3 hours a week.¹

The majority of respondents engaged with this scenario readily, with respondents in most groups saying that this kind of situation happened 'all the time'. Many participants said they had been, or knew someone who had been, in a similar situation, giving them the confidence to speak candidly on the topic:

'Yeah, it's happened where I work too. I haven't even got my pay rise yet and they're cutting me back down to three-and-a-half hours so they don't have to give me a break.' Female 14-16

¹ Public Interest Advocacy Centre, Protecting Human Rights in Australia – Age Discrimination Fact Sheet, <http://www.piac.asn.au>, viewed March 2005.

Most respondents were able to acknowledge the balance between the rights of the employer and the employee in this case study. However, the more common reaction was to side with the character of the young woman in the story, which is not particularly surprising:

'We're all looking at it from Melinda's point of view because we've never been the boss of a business before.' Female 14-16

A regular comment in relation to this case study was that the situation was unfair but legal. Respondents demonstrated a belief that this is not uncommon – that some laws effectively *reduce* the rights of some members of the community.

In many groups, respondents stated that the situation was acceptable as long as the employer had discussed with Melinda that she would be offered fewer hours the older she became. In other groups, respondents sided with the employer:

'The guy who's paying her, it's his money he's paying her so doesn't he have the right to spend his money how he wants?' Male 17-19

This view was generally qualified, though, to favour the small business operator as opposed to a franchise owner or the manager of a large business.

In a number of groups, discussion focused on what the options were for the young person in a similar situation. This revealed some quite detailed knowledge of workplace arrangements overall, including the possibility of contacting a union to assist in mediations:

'That's why they need to have things like unions and government intervention to try and mediate and negotiate these kinds of situations where both the employer and the employee have rights and obligations.' Female 17-19

'My brother is only nineteen and he needs a job to support his wife and stuff, [so] he's not going to stand up to the boss who doesn't pay him properly and things like that. He tries to do it, and he's under contract, but he's nineteen and he needs a job so he's not going to stand up to [the boss]. So if you're eighteen and your hours are being cut you might go to the trade union 'cause they don't take your job away.' Female 17-19

The advanced knowledge exhibited on this topic suggests that a large number of the participants had done, or were currently taking part in, paid work.² It also reflects the rise in increasingly sophisticated careers education programmes operating in schools around the country, resulting in some quite specific information being available to these young people.³

This knowledge may also have been influenced by increased enrolments in elective vocational education programmes in secondary schools.

Some respondents pointed out that, on balance, the youth wage might be a good idea because it created opportunities for younger workers. From this perspective, the perceived 'problem' in the case study was not the lower wage payable to younger workers, but that employers often do not adequately inform young workers what they are entitled to under standard casual contracts. As they pointed out, in this case study Melinda earns less each week once she reaches the age of 18 even though she is being paid at a higher rate because she is offered fewer shifts.

Interestingly, the majority of respondents were reluctant to agree that this was a 'human rights issue', saying that while it may be unfair or even discrimination, this did not mean it was a breach of human rights. This reflects their belief that the 'right to work' is not seen as sufficiently important enough to be thought of as a human right, such as the 'right to life'. This is despite their otherwise strong support for economic, social and cultural rights generally.

The strongest theme to emerge from discussions on this topic was the belief that it is sometimes legal to discriminate or behave in an unethical way in the modern workplace.

Case study 2 – Anti-terrorism laws

Abdullah was recently the subject of an Australian Security Intelligence Organisation (ASIO) investigation. ASIO officers came to his home and said that he was not being charged with any offence, but that they wanted some information from him. Abdullah did not wish to say anything without his lawyer present. The ASIO officers told him that it was a criminal offence to discuss the investigation with anyone, and that he could only have access to a lawyer approved by the government if he was taken into custody. They told him that if he did not co-operate they could take him into custody without charge for seven days, perhaps longer. Abdullah didn't want to leave his wife and children alone, so he agreed to talk to the ASIO officers.⁴

2 A recent study into the working habits of young Australians in NSW found that 51% of children aged 12-16 had worked in the previous 12 months. Source: NSW Commission for Children and Young People, Children at Work, NSW Commission for Children and Young People, Sydney, 2005.

3 The sophistication of careers education (including vocational and technical education) in schools has been largely assisted by the Department of Education, Science and Training (DEST), which has made the 'improved transitions of young people through school to further education and training or work' one of its four 'strategic priorities' at the national level. See: Department of Education, Science and Training, Annual Report 2004-05, Commonwealth of Australia, Canberra, 2005, pp. 21-64, available online at http://www.dest.gov.au/annualreport/2005/docs/chapter_3.pdf.

4 Public Interest Advocacy Centre, Protecting Human Rights in Australia – Civil and Political Rights Fact Sheet, <http://www.piac.asn.au>, viewed March 2005.

Almost all respondents immediately understood this scenario to be about the balance between the rights of the community versus the rights of the individual. Opinions ranged from supporting the rights of the individual at all costs, to supporting the idea that individual rights may need to be curtailed if it is with the best interests of the community in mind.

Many respondents, while believing the situation to be lawful, did not agree with the infringement of human rights for the individual in question:

'It was fair for them to take him in and question him because they thought he might have been a terrorist, but to keep him in gaol for seven days or something – that's not right.'
Male 14-16

'It seems unfair ... they've already said he's not being charged so therefore he's not a criminal, yet he's being treated with less rights than a criminal.' Male 17-19

Many respondents who felt that the situation was unfair argued that if there was sufficient evidence to question him, then he should be arrested and charged, as with any other type of offence. Others mentioned that this law seemed to undermine some basic principles, such as the right to legal representation, the right to remain silent, and the right not to be taken into custody unless charged:

'He felt under threat and so acted under duress. He needs to be made aware of what he is being charged with or investigated [for]. And he can't be held for an indefinite period of time without charge.' Female 17-19

'It's like they're overruling the old laws, like you're allowed to have a lawyer. And they shouldn't be allowed to do that.'
Female 14-16

Many respondents expressed the opinion that this law was racist, or that it had the potential to be used to target Muslims or Australians of Middle Eastern ethnicity:

Q: Do you think laws like this can sometimes cause more discrimination against certain ethnic groups?

'Most definitely. Ever since September 11, the anti-terrorism laws that have just come in after that, the media is badly presenting people of Middle Eastern, especially Muslim, background and generating fear. And that's one of the mechanisms that's used, for example, to justify going for the Iraq War ... They are trying to generate these misconceptions of people in order for things like that to be acceptable. It seems very uncommon that someone who wasn't of Middle Eastern or Muslim background was actually being taken

for seven days. You can tell that there's a direct link, that he was being targeted [because of] conceptions which are influenced by the media.' Male 17-19

'Can they have discrimination against other cultures? We have laws about you can't discriminate against someone just 'cause they're black or they're of a certain culture. Why are they doing it to this person? They have no evidence to show that he has anything to do with terrorists. But they're discriminating against him because he's from [a certain] country.' Female 14-16

Q: So you think these laws could be discriminatory because we are targeting different cultures, they are targeting Arabs?

'Yes.' Female 14-16

'Ever since 9/11 people have been knocking Muslims ... or anyone who's from the Middle East. It's like if they're from the Middle East they're probably a terrorist.' Female 14-16

Alternatively, there was a perceived danger that an individual in the community may abuse this law by reporting someone they simply did not like to ASIO, with the result that they may be interrogated for up to a week without charge. Participants engaged in discussions along these lines often referred to the cases of Mamdouh Habib and David Hicks.⁵ Some respondents expressed a regret that laws like this seemed to be passed without any public consultation, resulting in large sectors of the population not being aware of new laws:

'[The government have] brainwashed people to be scared of Muslims and stuff and terrorists. Then they put all these nice, warm things on TV like the Royal Wedding and the Pope. Take your mind off that while they introduce new laws.' Male 14-16

On the other hand, a large proportion agreed with the measures described in this case study, though with limiting factors. Some said that the rights of the individual may need to be curtailed if it was to protect the community from large scale acts of terrorism:

'We looked at the bigger picture and looked at the national security issues which were at stake, and it was just seven days of one person's life which could almost save, potentially, thousands of people if it was a big issue.' Male 14-16

'If the whole country is in trouble, sometimes they have to do this, so you just have to say, "Look, we're not going to

⁵ Mamdouh Habib and David Hicks are Australian citizens who were held without charge by the US military in Guantanamo Bay, Cuba.

worry about your rights at the moment, we just have to get this done.” Female 14-16

These respondents believed that the threat of terrorism was a special case, and that special measures such as these were an important part of tackling the problem. A small number even supported the idea of ‘reversing’ the presumption of innocence in cases of investigating terrorist activity:

Q: *You are willing to reverse the onus of proof? Not ‘innocent until proven guilty’ but rather ‘guilty until proven innocent’?*

‘Yes.’ Male 14-16

‘Sort of. Only in certain situations where it involves the lives of many people. It’s not a decision to be taken lightly but, yeah.’ Male 14-16

Given that there was generally some support for the new ‘anti-terror’ laws in each group, respondents in the majority of focus groups were asked if they would support torture in certain cases. There was very little support for the idea, even if, hypothetically, many lives could be saved by the information procured in this way:

‘They can’t torture him, by human rights laws.’ Male 14-16

‘If you are tortured you are going to have some serious permanent psychological issues with not trusting people and not trusting authority. But whereas if you’ve just been locked up, yes it is bad and you have had your freedom taken away for a week, but it is in the greater interest of the community.’ Male 14-16

Some respondents pointed out that torture did not often produce reliable information even if it could be morally justified, while others believed that locking someone up for seven days already constituted torture, especially if there was no independent means of monitoring what took place ‘behind closed doors’:

‘It comes back to that, I forget what the case was, but there was that gentleman who they held him in custody for an extended period of time. They hadn’t provided him with water and things like that. And eventually he just said, so they’d let him go, he said “yes I’ve committed a crime”. They later found out that he hadn’t committed the crime.’ Male 17-19

Q: *He just wanted to get out.*

‘Yeah, exactly. He just wanted to go and see his family. So this seven days is a form of torture in a sense where you don’t know the conditions, you’re going to be in a locked

room, you're not going to be treated as a human. So it just seems unfair.' Male 17-19

Overall, respondents seemed to accept that measures like these new 'anti-terror' laws would be introduced during extreme times and as a response to direct threats, but there was rarely consensus on how to balance the rights of the individual with the rights of the community:

'It's, like, no matter which way you draw the line there's always going to be somebody who doesn't like the way that line is drawn.' Female 17-19

In conclusion, these young people felt that anti-terrorism measures should be dealt with under existing criminal law. In the event that special measures had to be introduced, they believed they ought to be clearly defined, proportionate to the actual threat and related to specific threats or offences. Overall, there was some concern that no measures were in place (along the lines of a Bill of Rights) to prevent fundamental rights (such as the right to independent legal representation) from being undermined or overridden by newly introduced legislation.

Case study 3 – Public space

When Ben was 13 years old he was banned from his local shopping centre for three months for stealing a toy. Since the shopping centre was the hub of social activity and the public bus stop was actually on shopping centre property, keeping to a lengthy ban was very difficult. Ben broke the ban and was caught by security guards. He was charged with 'entering enclosed lands'. The shopping centre then banned Ben for a further 12 months.⁶

Respondents again displayed a range of views in relation to this case study, and generally engaged in quite lively discussion. In most groups, there were people for and against the type and severity of the punishment. Given the range of views, respondents were asked if they were able to suggest alternative types of punishment for Ben.

Many thought that the severity of the punishment was appropriate, with the majority of those in favour pointing out that by the time someone is 13, they are old enough to know that stealing is wrong and that there will be punishments associated with criminal activity:

'He knew it was against the law to steal. He knew if he got caught he was going to get banned.' Male 14-16

'That sort of punishment for a thirteen year old is probably a good thing. 'Cause if he doesn't get the idea of it he's just going to fall into that pattern of keeping on doing it and

6 Public Interest Advocacy Centre, Protecting Human Rights in Australia – Age Discrimination Fact Sheet, <http://www.piac.asn.au>, viewed March 2005.

he could end up in juvie [juvenile detention] until he was eighteen, so it's stopping that cycle beginning.' Female 14-16

However, many respondents argued that although 13 is old enough to know that it is wrong to steal, the individual may not be able to fully comprehend the consequences.

On the question of whether or not the shopping centre ban should include access to the public bus stop, almost all respondents disagreed, even those who agreed that a ban of up to twelve months might be an appropriate punishment. The consistency with which this view was put forward highlights the degree to which young people value access to public spaces, and are particularly reluctant to view a convenience such as a bus stop as 'private' property.

Some participants pointed out that Ben was being denied a number of fundamental rights such as: freedom of association (the shopping centre is described as the 'social hub'); access to health services (if the centre contained a medical centre); and access to public transport (often described as an essential right). These respondents felt that because he should be entitled to these things even if he had been found guilty of shoplifting, the existing punishment was unduly harsh. Of these, freedom of association was the most frequently mentioned:

'He is a thirteen year old child and you do want to be out with your friends, that's the whole idea of being a teenager. That's where a lot of your self-esteem comes from, is being with your friends.' Female 14-16

'His local shopping centre, which is probably a hang out place, for him it is probably important. It may not sound like much but having a place to go, having a place where your identity is, is a big right.' Female 17-19

A wide range of different solutions for how the conflict in this case study might be 'solved' were put forward. Common suggestions included counselling or community service:

'Being banned would just make him angry and want to go back there, but doing community service, maybe he'd have time to think about [his actions].' Female 14-16

'[Shop owners] have a right to demand compensation, maybe they have a right to demand that he takes some sort

of counselling, but I'm not sure if a three month ban is fair'
Female 14-16

Again, although there were a wide range of views held by respondents on this issue, the majority were unwilling to describe this case a 'human rights issue' (except for those who mentioned he was being denied access to basic services or the right to 'freedom of association'), the implication being that legal rights and rules created by the owners of private property in some way fall outside the consideration of human rights principles.

The scenario presents a social difficulty which would not have been experienced by these young people's parents. The rise of the shopping centre as an institution has fundamentally changed not only the nature of the retail experience but the shape and feel of urban and suburban environments, resulting in a less definite boundary between public and private space. As we were told, this blurring of boundaries has the ability to impact adversely on young people, who rely on public spaces as common meeting and 'hang out' places.

This is further exacerbated by the alienation of public space implicit in the creation of the shopping mall complex, sprawling over several square hectares. This contrasts strongly with the 'pre-mall' generation of strip shopping venues that paralleled the main road. Old style strip shopping meant more public space availability for 'hanging out' purposes was available to those young people than is the case today.

Similar views were also held by participants from rural and regional centres. However, these discussions were much more theoretical in nature given the scarcity of shopping centres in smaller towns. These young people were more likely to support the greater resourcing of other, more specific 'hang out' places such as regional youth centres.

Case study 4 – Female genital mutilation

Australian health services are increasingly having to deal with the results of female genital mutilation as community workers strive to educate communities against performing it on a new generation.

Female genital mutilation (FGM) is the partial or complete removal of the external female genitals for cultural rather than medical reasons. Girls and women who have had this performed on them are mainly from Australia's growing Asian, African and Middle Eastern communities.

FGM is sometimes performed by trained surgeons in a clinical environment but in most cases it is performed by village midwives, often using razors or broken glass. It is generally not performed under hospital conditions, and many people die from the procedure due to haemorrhage or infection.⁷

7 Adapted from Better Health Channel Online, Female Genital Mutilation Fact Sheet, www.betterhealth.vic.gov.au, viewed March 2005 and J Skatsoon, 'Dealing with the results of female circumcision', *The Age*, October 30 2003, available online at <http://www.theage.com.au/article/2003/10/30/1067233290466.html?from=storyrhs>, viewed March 2005.

NB – All states and territories within Australia, with the exception of Western Australia, have specifically legislated against the practice of female genital mutilation. In WA, the existing Criminal Code is believed to be adequate to effectively prohibit the practice.⁸

Of all the case studies, this one elicited the most consistent responses, with respondents overwhelmingly expressing their belief that this was a case of individual human rights being seriously and unjustifiably violated. Though the majority were not aware that this practice is illegal and subject to mandatory reporting in most Australian states and territories, there was widespread agreement that this was appropriate once it was made known to them.

Almost all respondents agreed that this was a 'human rights issue', expressing the view that any practice which infringed an individual's right to life was unacceptable, despite cultural, or any other, considerations. Most respondents were of the opinion that those communities for whom such practices are traditional may have to 'amend' their cultural beliefs and practices if they are to live in Australia:

'I think the right to culture and political views is very important but in front of that I would put the right to freedom and to make your own choices.' Female 17-19

'I think we have to curb their cultural beliefs. Educating them to have individual rights before curbing what they believe in is part of what you have to do.' Female 17-19

'I think it's fair to say to leave your culture at home. Because that's like an Australian taking drugs into Bali.' Male 14-16

Of most concern was the idea that female genital mutilation might be performed on girls who were not old enough to give their informed consent to having the procedure performed on them.

A very small minority acknowledged the need to balance tradition and law, offering qualified support for the practice being allowed:

'We say we're a multicultural country so we should provide the facilities, the surgery, if they wish to.' Female 14-16

'If she's agreeing then she should be able to go somewhere and have it done where it's clean and safe.' Female 14-16

However, even those who supported the right for a community to practice female genital mutilation only agreed if it was performed under clinical conditions and with the informed consent of the individual in question. A number of respondents suggested either 16 or 18 as possible ages at which an individual may be mature enough to give consent to such a procedure.

8 Z Spencer, 'The Criminalisation Of Female Genital Mutilation In Queensland', Murdoch University Electronic Journal of Law, Vol 9, Number 3, September 2002, available online at http://www.murdoch.edu.au/elaw/issues/v9n3/spencer93_text.html, viewed October 2005.

In discussing community education, many respondents expressed a belief that refugees, asylum seekers and immigrants are not provided adequate information about Australian culture, practices and laws when they first arrive in the country:

‘But do people from these cultures actually know [what is allowed] because, when they become a citizen, is there actually a handbook they get saying what’s right and wrong?’ Male 14-16

While on balance most respondents mentioned the importance of culture and preserving religious and cultural practices (including for those individuals living somewhere other than their country of birth), the majority felt this scenario reflected an extreme situation in which cultural practices have to be ‘modified’ to preserve the rights of the individual.

Again, the ability of the young people in the present study to debate such a contentious issue in such a mature way demonstrates how aware today’s youth are of the social and cultural fabric of their world, especially during a period of considerable cultural change. While many may argue there are dangers in exposing young people to difficult and confronting material too early, focus group respondents unequivocally saw this scenario as relevant and important to their lives as citizens who were interested in cultural trends and challenges. Overall, their responses, though diverse and often conflicting, confirmed the degree to which young people now regard multicultural society as an integral part of the communities they inhabit, especially when compared to the attitudes of earlier generations.

On balance, the participants enjoyed discussing the four case studies, with most being able to see some relevance between these real life scenarios and their own lives. Their reluctance to view these situations as ‘human rights issues’, however, suggests that a great many young Australians may benefit from being introduced to a broader definition of the term, and understanding that considerations of ‘human rights’ are relevant to them in the environments in which they live.

Importance of human rights

Looking at all the evidence collected, the vast majority of young people involved in the project believed that human rights were important to uphold. In order to test this opinion further, one section of the survey consisted of a seven point rating scale asking participants to agree or disagree with the statement: ‘Relative to all of the other issues in contemporary society, human rights are Extremely Important (1) – Not at all Important (7)’.

Table 3.1 Mean Scores of the Importance of Human Rights Tabulated by Gender, Age, Ethnic Identity and Socio-Economic-Status

	Gender			Age				Ethnic Identity				SES			
	M	F	Tot	14	15	16	Tot	Anglo	Euro	Asian	Tot	Hi	Mid	Low	Tot
Mean	2.4	1.8	2.0	1.7	2.2	1.8	2.0	2.1	1.8	1.7	2.0	1.8	2.0	2.0	1.9

The numbers in Table 3.1 represent mean scores for each demographic category, further broken down into their respective sub-categories. Overall, two trends are evident in the data: first, the mean scores in each category are quite high, a mean score of 2 on a seven-point scale indicates strong agreement with the statement, and second, there were few statistically significant differences between the four main demographic groups. However, it appears that females and ethnically 'Asian' and 'European' respondents more strongly supported the importance of human rights.

Two opposing but equally plausible conclusions can be drawn from the results. The numbers can be taken at face value, which would be regarded as a positive result in the context of human rights advocacy. However, these results more likely reflect the high social desirability of agreeing with the proposition. This is not necessarily a negative result – even if many of the respondents are only paying 'lip service' to the importance of human rights, at least they know that it is 'responsible' to support the concept.

However, even if some of these young people were sufficiently interested in the 'importance of human rights' to want to learn more about their formal framework they would struggle to achieve this because, as previously mentioned, the school curriculum does not present a stand alone subject that exclusively focuses on human rights.

Young people clearly perceive the idea of human rights in vastly different ways. What, then, are the underlying concepts and values they are offering support to?

At the abstract, general level, 'human rights' refers to the broad principles set out in the various UN Declarations and Treaties. However, at a more concrete and practical level, the survey and focus group data (and much of the theoretical literature) suggest that young people clearly distinguish between different human rights categories. For instance, one section of the survey found differences among the young participants in the amount of support and sympathy they expressed towards various target groups. This section of the survey asked participants to agree or disagree with statements that express favourable attitudes and beliefs about human rights (e.g. 'All established religions are entitled to be treated equally'; 'Men and women should have the same rights'). The fifteen items were reduced to four 'clusters' based on their underlying conceptual base.

Table 3.2 Mean Human Rights Attitude/Belief Scores (1: Favourable – 7: Unfavourable) for the Entire Sample in Each Rights Category

Rights Category	Mean
School/Work/Employment	2.20
Free Speech/Individual/Privacy/Law	2.74
Safety/Security/Health/Family	2.50
Discrimination/Racism/Harassment/Bullying	2.04
Overall Mean	2.40

Table 3.2 shows the total mean attitude/belief score for all of the participants, and the total mean scores in each of the four rights categories. The questions were deliberately phrased to evoke unequivocal expressions of sentiment about respecting the rights of various groups of people often discriminated against, including the disadvantaged (physically disabled), minorities (ethnic groups), and non-mainstream values (gays and lesbians). Less contentious topics referred to the rights of workers, young people, and union action.

The responses were recorded on a seven-point scale. Research in attitude measurement tends to find that people are reluctant to use the extreme ends of a dimension. The results show that, combining all the responses, the participants expressed only moderately favourable opinions, with an overall mean of 2.40 indicating a relatively conservative position regarding the rights of individuals. This is despite their clear support for the idea that, relative to all of the other issues in contemporary society, human rights are very important.

These survey results confirmed that the human rights concept is not a unitary construct. Rather, the term ‘human rights’ serves as a broad umbrella framework for a set of related but nevertheless distinct attitudes, beliefs and behaviours. In this respect, ‘human rights’ is no different from many other terms used in psychology to describe and account for the behaviour of diverse individuals.⁹

9 The concept of intelligence is a good example. There would be general agreement that it is useful to describe people as more or less intelligent. However, for practical purposes such as selecting people for jobs or streaming students in educational institutions, it is necessary to recognise that intelligence has several different manifestations. If you simply gave a person a single general intelligence score, you would lose a lot of useful information. That is why the main intelligence tests include sub-tests of verbal intelligence, mechanical aptitude, mathematical and symbolic intelligence, and nowadays also emotional intelligence. The tests are usually scored by arriving at an overall index of intelligence, and then calculating separate scores for each of the specific domains.

All of the major intelligence tests used in the vocational and educational areas contain subscales that independently measure various capacities. Decades of research have shown that although the results from the various scales are positively correlated, providing evidence for the existence of a construct of general intelligence, their topics are nevertheless conceptually and empirically distinct. These findings have given rise to the generally accepted theoretical model of intelligence as consisting of a G factor at the abstract and general level, and a number of S or specific ability components or clusters at a more concrete, practical plane. This model would also be appropriate for the ‘human rights’ concept.

In passing, it may be of interest to note that within the cluster of human rights, discrimination issues register best, followed by school/employment, with the lowest standing accorded to 'civil liberties' such as 'free speech'. This is consistent with feedback from the focus group respondents as well as general community attitudes. In relation to the Australian community it is noticeable that discrimination issues have established themselves relatively strongly, while civil and political rights trail behind, very much the poor relation – hence why engaging the broader community on the need for a Bill of Rights has proved so difficult.

A human rights mindset among young people

A consistent finding in the human rights literature is that a positive attitude towards individual human rights among young people is associated with a number of related cognitive and behavioural processes. These include relevant knowledge, in particular an awareness of the basic set of human rights; an understanding of the concept, particularly its limitations and reciprocal obligations; and engaging in behaviours that constitute active citizenship, in particular political activism and membership in school and community associations. Such links are consistent with implications from social psychology that cognitions, attitudes, emotions and behaviours tend to form a coherent psychological system, and that this should also characterise human rights. If empirical evidence can support such an association, this would provide justification for using the term 'human rights mindset' in the present context, and have obvious implications for human rights education practices and policies.

The national survey set out to test these assumptions. The survey included a number of short questionnaires explicitly aimed at measuring the participants' knowledge about human rights (in terms of the number of rights they were able to correctly identify without prompting); their level of understanding of the concept (in terms of brief comments they were requested to make about the rights they had identified); the importance (on a seven-point scale) they attached to human rights as an issue; the number of civic, community and school organisations they had joined; and their frequency in engaging in political activities such as signing petitions, contacting politicians, and taking part in lawful organised protests. The results were subjected to a correlational analysis which found a positive relationship between all of the psychological variables. Technically, there was a statistically significant association between knowledge, understanding, participation, political activism, and human rights importance, supporting the concept of an integrated human rights mindset among Australian young people (see Table 3.3 below).

Table 3.3 Inter-correlation Coefficients for Human Rights Mindset Components

VARIABLE	Knowledge: Number of Rights Correctly Identified	Understanding	Participation
Understanding of Rights	.766***		
Participation: Number of organisations joined	.297***	.266***	
Political Activity: Number of activities engaged in	.175**	.172*	.175*
Importance of Human Rights	.204**	.189*	

Note 1: * Indicates that the correlation coefficient is significant at the .05 level.

Note 2: ** Indicates that the correlation coefficient is significant at the .025 level.

Note 3: *** Indicates that the correlation coefficient is significant at the .01 level.

Where do human rights come from?

Overall, the young people consulted during this research appreciated that human rights was a complex idea, which has been shaped by historical events, governments and laws, religions and secular community values. When questioned about their understanding of the origins of human rights, they demonstrated varying opinions and degrees of knowledge.

The government

Many focus group respondents were of the opinion that human rights came from 'the Constitution' or a 'Bill of Rights', reflecting a widespread confusion about how rights are formally protected in Australia.

The Australian Constitution offers little protection for human rights and there is no federal Bill of Rights. In fact few rights are protected and many basic rights, such as the right to freedom of speech or to privacy, receive no protection. Among the rights the Constitution does include are:

- The right to vote in federal elections if an adult person has the right to vote in state elections under state laws (section 41). However, the High Court has held that this only grants a right to people who could already vote in state elections in 1902. The section thus has no operation today
- The requirement that an acquisition of property by the Commonwealth must be on just terms (section 51(xxxi))
- The right to a trial by jury for Commonwealth indictable offences (section 80). However, it is up to the federal parliament to determine whether or not a person will

- be tried on indictment, so it can decide whether or not an accused person is entitled to a jury trial
- The Commonwealth cannot ‘make any law for establishing any religion,’ impose ‘any religious observance’ or prohibit ‘the free exercise of any religion,’ and ‘no religious test shall be required as a qualification for any office or public trust under the Commonwealth’ (section 116)
- No law can impose a ‘disability or discrimination’ on the basis of a person’s state of residence (section 117)
- Individuals who believe that the federal government has acted unlawfully can seek review of such actions in the High Court (section 75(v)).

The High Court has also found that a number of rights, while not expressly stated in the Australian Constitution, can be implied. These include:

- The Commonwealth Parliament cannot pass laws that adjudge a person to be guilty of a crime. That function is for the courts alone
- The freedom to discuss matters relating to Australian government so that voters can participate effectively in elections.

However, the participants in these focus groups seemed to believe the Australian Constitution contained its own Bill of Rights, similar to the American model.

The regularity with which this opinion was posited suggests that a great deal of learning young people do about the origin of human rights is ad hoc and more likely to come from young people’s consumption of popular media as opposed to formal learning.

Other participants described the way in which citizens were able to influence government and thereby influence laws pertaining to human rights principles. In these cases, ‘human rights’ was understood to be a moral code of which the ‘community’ is the custodian:

‘I reckon the human rights come from the people, the community itself and the citizens of Australia.’ Female 14-16

‘Basic human principles like respecting each other. I think that’s basically where it stems from. It’s just about justice and fairness to everybody.’ Male 17-19

‘Laws are designed to reflect society’s values.’ Female 14-16

‘To enforce rights.’ Female 14-16

The UN

Most focus group and survey respondents were aware that there were formal human rights bodies and instruments such as the United Nations, with 'the UN' being the most common answer to the question asked in each focus group: 'Where do human rights come from?' As can be seen below the formal picture in this regard is quite involved.

As described earlier, Australia has been at the forefront of UN activism and been prominent among the drafters and the promoters of human rights treaties, beginning in 1948 with the *Universal Declaration of Human Rights*. However, human rights treaties provide simply the mechanisms by which governments agree on those international human rights which each may wish to recognise for their citizens. Ratification of an international human rights treaty does not, however, mean that the treaty standards automatically became incorporated into domestic law.

By now Australia has accepted (that is, ratified)¹⁰ most of the principal human rights conventions. They are the:

- Convention and Protocol Relating to the Status of Refugees
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CRC)
- Convention on the Prevention and Punishment of the Crime of Genocide
- UNESCO Convention Against Discrimination in Education
- Freedom of Association and Protection of the Right to Organise Convention (ILO 87)
- Right to Organise and Collective Bargaining Convention (ILO 98)
- Equal Remuneration Convention (ILO 100)
- Discrimination (Employment and Occupation) Convention (ILO 111)
- Workers with Family Responsibilities Convention (ILO 156)
- Termination of Employment Convention (ILO 158).

¹⁰ Australia undertakes a two stage adoption process of (1) signature which indicates intention to become a party in the future and (2) ratification which makes the treaty binding within a stipulated period. Between signature and ratification the federal government now undertakes a detailed state and territory government consultation process.

Of the above 15 conventions, Australia has incorporated CERD and CEDAW into our domestic law by enacting the Racial Discrimination Act (1975) and the Sex Discrimination Act (1984). Of the remaining 13 listed above only five, that is:

- The Refugee Convention
- The Torture Convention
- ILO 100 on equal pay
- ILO 156 on family responsibilities and
- ILO 158 on unfair dismissal,

could be said to have been incorporated to any substantial extent in Australian domestic law.¹¹

The other three, namely the ICCPR, the CRC and ILO 111, were attached to the Human Rights Commission's legislation of 1981 and then to the Human Rights and Equal Opportunity Commission's legislation of 1986. Their incorporation must be treated as only partial, because they do not give rights independently of the HREOC's limited complaints jurisdiction.

To sum up, out of 15 key international human rights treaties Australia has comprehensively incorporated eight and partially incorporated three treaties into domestic legislation.

Further, it should be noted, that many human rights, especially those relating to criminal investigations and trials, are similar to common law protections well-recognised in Australia. In the case of the CRC, it must also be acknowledged that Australia at both federal and state level has a comprehensive body of laws and policies that, taken together, fully enliven all of the various provisions of the CRC.

In light of the relative complexity of the above it is hardly surprising that very few respondents articulated any detailed knowledge about the UN and its human rights functions. Despite this, many demonstrated a general appreciation of the historical evolution of human rights:

'I think human rights are probably from our ancestors too. Like if you look at Hitler and what he did. People learn from his mistakes.' Male 14-16

In focus groups, those who could describe the UN accurately were (exclusively) students who had specifically studied human rights instruments and/or international law as part of the formal school curriculum (for example, in Legal Studies). Of those students with a good working knowledge of the UN, very few were enthusiastic supporters, believing that the structure of international law rendered the institution powerless:

'The UN still isn't especially enforceable is it? I mean you can enforce it but not quite so much in that it only holds jurisdiction when people are willing to allow it.' Female 14-16

¹¹ Refugees Convention in the Migration Act 1958; Torture Convention in the Crimes Act 1914 (section 23Q) and the Extradition Act 1988; ILO 100, ILO 111, ILO 156 and ILO 158 in the Workplace Relations Act 1996.

Q: How effective are all these human rights protections that we were talking about?

'Not very at all.' Male 17-19

'It's not reaching the people that need it.' Male 17-19

'If you focus on the negatives it's still pretty bad, but I guess there's positives as well.' Male 17-19

'There's no authority in the UN declarations.' Male 17-19

Other formal instruments and bodies mentioned were the 'Magna Carta' and the 'League of Nations', with the latter sometimes being mistaken for the UN.

Other origins

A few focus group respondents talked about the role of the family, with an appreciation of rights and respect for others being passed down within families:

'Family [has] the biggest responsibility. The first ten years of your life is when you learn basically the major stuff that you are going to use through your life. As a person, you learn that very early on.' Female 17-19

The importance of the family in the lives of these young people was a recurring feature of focus group discussions (see **The right to family** pp. 45-46).

Other respondents understood rights to come from religion. When prompted, they generally discussed the way in which religions prescribed moral and ethical guidelines for living. Significantly, they tended not to mention individual religions:

'With religion, you're expected to treat everybody fairly because religions say that everybody's equal. So does human rights, so, they're like the same thing.' Female 14-16

Sources of human rights knowledge

Young people's knowledge about human rights comes from a wide variety of sources. Focus group participants told HREOC that these sources include (in no particular order): formal teaching about human rights and international law in the classroom; information accessed through community youth centres, youth legal centres and other bodies where young people seek advice on specific issues; knowledge gained from popular culture in various media, including TV, films, the internet and music; and knowledge 'handed down' by peers and family members.

It appears that an important source of human rights instruction for young people is the classroom. Feedback from some of the participants confirmed that the specific knowledge they had on human rights-related issues was learned in the school context:

Q. How did you hear about human rights?

'My Mum has always worked for humanitarian organisations so I was basically exposed to it then. But I didn't really understand it in that much depth until we did Legal Studies in school and we learned about all different kinds of stuff like that.' Female 17-19

However, the majority of participants were not aware of any concerted approach to human rights education in their school. Rather, it was more likely that if they received specific knowledge about human rights institutions or concepts, it was an isolated piece of information:

'We haven't really directly covered [human rights] in school but if we're talking about a certain subject, like a particular event in history, something might come up where [the teacher] says "that violates this", or whatever.' Female 14-16

The language used by respondents in both research modes, demonstrates the degree to which respondents' learning about rights-related issues largely comes from consumption of popular media:

Q: Did you know there's a document about children's rights which protects all sorts of things? Do you know of that?

'No, I only know those rights they give you when you get arrested. And that's all I think of. You've got the right to remain silent.' Male 14-16

'Half those kids [in Iraq] I reckon are going to grow up and become Al Qaeda and become more terrorists.' Male 14-16

Q: Where do you get that idea from?

'TV.' Male 14-16

In many cases, respondents were aware of this influence on their knowledge of 'rights', with some also pointing out that a high proportion of television programming is of US origin:

'The American Constitution is put in our face. TV shows and stuff like that, like The Simpsons. You think you never learn anything from that show but you actually do. That's how you know about some of their laws.' Female 14-16

'You've got a right to an attorney. It's in that speech "you have the right to remain silent"' Male 17-19

'Isn't it a right to an attorney when you're charged?' Male 17-19

'That's in America.' Male 17-19

As discussed earlier (see *Where do human rights come from* p. 32), many respondents believed a 'Bill of Rights' or 'the Constitution' were the primary documents which set out and ensured the protection of rights in Australia. This suggests that many young people either mistakenly believe that human

rights are protected by an Australian Constitution which contains a Bill of Rights, or that they do not question the origin of a 'Bill of Rights' which offers various protections:

Q: *Have you heard of any documents or anything like that which basically lists what human rights are?*

'Not really.' Female 14-16

'Constitution.' Female 14-16

Q: *The Australian Constitution?*

'Yeah, for instance, they'd have our rights in there.' Female 14-16

'I don't think the Australian Constitution actually has protected the right to free speech.' Female 14-16

'I've never seen it.' Female 14-16

'Are Constitutions more [about] what the government people have to follow?' Male 14-16

'We don't have the Bill of Rights like in America. They have the Bill of Rights which protects their rights to free speech which we don't have in Australia. Do we?' Female 14-16

Respondents therefore displayed a great deal of 'secondhand' knowledge of rights (usually from peers or media such as TV or films), but very little formal knowledge about human rights and their origins.

Focus group participants were asked if they had ever used the world wide web to find information about current affairs, including human rights-related issues. Interestingly, the internet was not described by the participants in this research as the liberating tool it is often thought to be. While research shows that young Australians are becoming more reliant on the internet for finding information,¹² some of the participants (especially those most interested in human rights-related issues) were put off by the wealth of information available on the internet:

Q: *So you all have access to much more sources of information [than previous generations], that would be a fair comment? Through the internet?*

'Yeah.' Female 17-19

Q: *So is that good? Does it help you when you make up your mind about issues?*

'But there's no telling what's correct. There's hundreds of thousands of different stories on the same issue ... Because there's so many it's kind of hard to make up your mind and

12 Mission Australia, National Youth Survey 2004: Key and Emerging Issues, available online at http://www.missionaustralia.com.au/cm/resources/documents/Youth_survey_2004.pdf, viewed March 2005.

it's really hard to see because there's so much information out there, it's kind of cloudy.' Female 17-19

Q: So the internet hasn't necessarily given you greater ability to find the truth?

'Even if it's written on the internet you can't really prove it's true 'cause it's on the internet.' Male 14-16

'So you don't know if that's correct.' Female 14-16

Q: Do you feel that the range of knowledge that you can access now is almost too much?

'It's overwhelming.' Male 14-16

Q: Overwhelming 'good'? Or just overwhelming?

'Depends. It could be in a good way or it could be just too much.' Female 14-16

'Because there's so many views on the topics you don't know which way is right.' Male 14-16

Many respondents explained that they valued being able to make up their own minds about issues that are important to them; equally they valued the guidance of mentors whom they are able to respect and trust. Overall however, they expressed a need for greater support when navigating complex human rights-related issues.

Best known human rights

Overall, these young people displayed a moderate degree of knowledge and understanding of human rights issues. Tables 3.4 and 3.5 (below) present the results of the opening section of the survey which asked participants to identify five examples of human rights in three aspects of life: the human rights of young people, including school; human rights in the work place; and human rights in the community.

Table 3.4 Understanding and Knowledge of Human Rights, and Gender

Categories	Male		Female		Total	
Number of respondents	139	31.8%	289	68.2%	437	100.0%
Understanding: mean score (out of 5)	2.9		3.40		3.3	
Knowledge: average number of items identified	8.24		10.8		10.0	
School/Work/ Employment	252	22.0%	616	19.1%	868	19.9%
Free Speech/ Privacy/Law	419	36.6%	1312	40.7%	1731	39.6%
Safety/Security/ Health/Family	364	31.8%	1058	32.8%	1422	32.6%
Discrimination/ Bullying	110	9.6%	237	7.4%	347	7.9%
Total number of items identified	1145	100.0%	3223	100.0%	4368	100.0%

NB – The theoretical range in the responses extended from zero (if no rights were listed or correctly identified) to 15 plus. The actual range was zero (scored by participants who did know any rights) to 18, a score that was achieved by only a handful of participants. Understanding of the concept of human rights was rated on a five point scale (1: Low – 5: High) in terms of the variety of rights listed, and the degree to which the answers referred to underlying principles such as reciprocity between rights and responsibilities, equality, diversity, and negotiating individual rights.

The survey results revealed that demographic differences had some impact on human rights knowledge. Females had a much better understanding and a greater knowledge of human rights than males (see Table 3.4 above), a finding which is consistent with those reported in the literature (see **Overview**, Appendix A). Also, knowledge of human rights increased linearly with age. Understanding was highest among the 15 year olds, and lowest among the 14 year olds (see table 3.5, below). Although the overall relationship between understanding and age was not linear, the results are consistent with the interpretation that age and understanding are associated, because of the relatively low average score attained by the 14 year olds. In absolute terms, the understanding scores in all three age groups indicate a reasonable amount of understanding of the human rights concept.

Table 3.5 Understanding and Knowledge of Human Rights and Age

Categories	Age (Years)							
	14		15		16+		Total	
Number of respondents	89	20.4%	190	43.4%	158	36.2%	437	100.0%
Understanding: mean score (out of 5)	2.7		3.6		3.1		3.2	
Knowledge: average number of items identified	8.9		9.5		11.2		9.9	
School/Work/Employment	117	18.8%	402	19.9%	323	20.5%	842	20.0%
Free Speech/Privacy/Law	277	44.2%	729	36.1%	658	41.8%	1664	39.4%
Safety/Security/Health/Family	147	23.5%	744	36.8%	488	31.0%	1379	32.7%
Discrimination/Bullying	85	13.5%	144	7.1%	104	6.6%	333	7.9%
Total number of items identified	626	100.0%	2019	100.0%	1573	100.0%	4218	100.0%

Understanding of the concept of human rights was rated on a five point scale (1: Low – 5: High) in terms of the variety of rights listed, and the degree to which the answers referred to underlying principles such as reciprocity between rights and responsibilities, equality, diversity, and negotiating individual rights.

Despite having different degrees of familiarity with these concepts, the young people in both the survey and focus group components of this study mentioned some rights much more frequently than others, such as: freedom from discrimination and bullying; the right to family; freedom of speech; and 'basic' rights, such as the right to water, food and shelter.

Freedom from discrimination

The young people who took part in this research were overwhelmingly supportive of the idea of social equality (and by extension various anti-discrimination measures). This is not surprising given the relative importance of federal anti-discrimination laws in protecting the rights of Australians. As a whole sample, participants discussed and expressed their disapproval of discrimination on the grounds of race, religion, gender, sexual preference, age and physical appearance, as well as harassment and bullying.

Overall, the focus group participants described their experience in the school environment and among peers as mutually tolerant and respectful of difference:

‘This school’s pretty friendly. Everyone’s friends with each other.’ Male 17-19

Overwhelmingly, respondents spoke of a prevailing culture of tolerance and respect among their peers, especially in school, reporting that the multicultural society had made them much more tolerant (especially of ethnic differences) from an early age:

‘This school is [tolerant] just because there’s so many different cultures here and everything ... everyone gets along just because we have no choice really because we are just all so different. It’s just always been like that.’ Female 17-19

They usually perceived themselves to be more tolerant than older generations, with a number of participants expressing the view that general community attitudes, when compared to their own, were somewhat conservative. This is perhaps best exemplified by the observations of focus group participants of discrimination against Muslim and Arabic Australians (see **Case study 2 – Anti-terrorism laws** p. 20).

Bullying

The practice of bullying, especially in the school context, is a perennial human rights concern for young people. Its importance is reflected in part by the way in which the Committee on the Rights of the Child has advised State parties who are signatory to the CRC to maintain vigilance in reducing its impact on young people.¹³

Most focus group participants talked of bullying as an unavoidable part of the school experience, however they generally downplayed its prevalence and impact on school life:

‘I don’t think there’s anything serious going on apart from your regular teenage bullying.’ Male 14-16

While the majority stated they were strongly opposed to the concept and practice of bullying, there proved to be a widely held belief that the students’ own schools were better than most:

‘I think at any school there’s going to be bullying. I think my school has a bit less bullying than a lot of other schools.’ Male 14-16

13 For example, in its concluding observations of Sweden’s third periodic report on its obligations under the CRC, the Committee recommended that ‘the State party, in its efforts to prevent and combat bullying, pay special attention to children with disabilities and of foreign origins, and that the rules for countering bullying are fully implemented in all schools and other institutions with the involvement of children.’ Source: UN Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties Under Article 44 of the Convention – Concluding Observations: Sweden, UN CRC/C/15/Add.248, 30 March 2005, available online at [http://www.unhchr.ch/tbs/doc.nsf/0/6c7dfdd538e46370c125708c004b540c/\\$FILE/G0540837.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/6c7dfdd538e46370c125708c004b540c/$FILE/G0540837.pdf), viewed October 2005.

This common 'casual' attitude towards bullying may be explained by evidence which suggests that bullying begins to decline as an experience after the junior high school years.¹⁴ According to this trend, the young people who comprised the majority of focus group and survey respondents (ages 14 to 18) may have already experienced their worst years of playground/classroom harassment. The survey data likewise revealed that the participants were only lukewarm about condemning bullying, with participants acknowledging that bullying is a part of school life and, as long as it is not taken to extremes, must be accepted or at least endured (see Table 3.6 below).

Bullying was seen to be more the experience of males as both the 'givers' and the 'takers' of bullying behaviour, especially that of a more physical nature. This is reflected in survey data which shows that, although females are more inclined to denounce this behaviour (see Table 3.6), bullying and harassment is a more prominent issue for boys than girls based on their initial, unprompted responses on the subject of human rights issues facing young people, including those in the school environment (see Table 3.4 p. 40).¹⁵

Table 3.6 Mean Attitude/Belief Scores About Contemporary Australian Human Rights Issues (1: Endorse/Favourable – 7: Oppose/Unfavourable) and Gender

	Male		Female		Total
	Count	Percentage	Count	Percentage	
Number of respondents	139	31%	298	69%	437
Mean overall attitude (Range 1-7)	2.92		2.61		2.71
Refugees/Detainees/Illegal immigrants	4.48		3.84		4.02
Indigenous people	1.98		1.74		1.81
Cultural diversity	2.45		2.13		2.23
Unjust war service	2.49		2.29		2.36
Bullying (reversed) 1:Oppose – 7: Endorse	3.25		3.04		3.11

When asked about the reasons for people being targeted, those who took part in the face-to-face discussions usually spoke about 'general' bullying because of very superficial differences, such as physical attributes (height, weight, strength) or style of dress:

14 Cited in K-L Krause, S Bochner & S Duchesne, *Educational psychology for learning and teaching*, Thomson, Melbourne, 2003.

15 See also K Rigby, 'What children tell us about bullying in schools', *Children Australia*, Vol 22, Number 2, 1997, pp. 28-34.

Q: Who is usually subjected to bullying?

'The weak ones.' Male 14-16

Q: We don't know that there are any bullies here, but the bullies who are at your school, who are they targeting?

'People who are less popular.' Male 14-16

'People who are less able to defend themselves.' Female 14-16

'I know a couple of friends in Sydney. One goes to a private girls' school and one goes to a public school. There's a lot of discrimination between what kind of music you're in to, what's your style. If you're alternative, if you're a little bit gothic or punk you are really put out on your own with the other people who are the same.' Female 17-19

Arguably, there are limitations to the reliability of these research methods in eliciting a consistent picture of how bullying works in the school environment, given that it is such a sensitive topic to those who have experienced such harassment. For example, young people are unlikely to speak out in a focus group situation if their harasser is present. It also seems unlikely that a perpetrator would confess to bullying others in this group context.

For this reason, it's possible that some under-reporting of bullying behaviour occurred, with a small number of speakers making comments to this effect. As one participant put it:

'They say [racism] is not a problem at this school. But it is a problem at the school. And then there's other jokes. Try being here and being gay.' Male 14-16

There were also a number of entrants in the essay competition who wrote of personal experiences of bullying in the school environment. However, recent studies suggest the actual incidence of bullying may not have increased, rather there is a greater awareness of its general prevalence and the significant long term harm it can cause children and young people.¹⁶ Overall, the young people in this study simply did not perceive bullying to be a threat to their enjoyment of school life.

One clear finding from focus groups was the efficacy of 'in-school' anti-bullying and anti-discrimination programmes. Most respondents who reported low levels of bullying at their school mentioned their school had run some kind of targeted programme:

'Because of the school policy, because they've abolished racism, they've ended up abolishing all other forms of bullying as well.' Male 17-19

16 K Rigby, A Meta-Evaluation of Methods and Approaches to Reducing Bullying in Pre-Schools and Early Primary School in Australia, 2002, available online at <http://www.ag.gov.au/agd/wwww/Ncphome.nsf/0/88FCF8BA60E07DDACA256C1B000AFD58?OpenDocument>, viewed August 2005.

Many participants told HREOC that school-implemented anti-discrimination or anti-bullying measures were very effective in permanently changing discriminatory attitudes among young people, regardless of the specific content and method of implementation. Furthermore, the young people who had witnessed such a culture change take place at their school were naturally more positive about the possibility of changing community attitudes on such issues, having seen this attitudinal shift first-hand.

The right to family

During the focus groups, respondents were given a 'child-friendly' list of key Articles contained in the CRC which they were asked to read before selecting those Articles which they considered to be the most important. The Article mentioned most frequently and which elicited the most emotional engagement was Article 9: 'You should not be separated from your parents unless it is for your own good – for example, if a parent is mistreating or neglecting you. If your parents have separated, you have the right to stay in contact with both parents, unless this might harm you.'¹⁷

This topic was generally discussed in the context of access to both parents. Respondents spoke candidly from personal experience, indicating the relatively high proportion of respondents who apparently had experienced living in single parent households:¹⁸

'You should have a right to live with both your parents. Even if your parents don't live together you should still have the right to be able to live with [both of] them.' Female 14-16

'There should be more done to ensure that you can live with your family if you want to. Because if you're not happy to be placed in another home then you should have the right to stay with your family.' Female 14-16

'I thought if your parents are separated and you're not good with either one, you should be able to be put somewhere safe but you should also be able to keep in contact with your family on supervised visits and other places.' Male 14-16

The topic of consultation with youth emerged as a theme in these discussions, with a number citing the frustration of having no say in important family decisions. Many respondents reported their experiences of young people being disadvantaged because of inadequate access to both parents, especially fathers:

17 The 'child friendly' Convention on the Rights of the Child used in focus groups was adapted from The Rights Site, Summary of the UN Convention on the Rights of the Child, UNICEF UK, <http://www.therightssite.org.uk/html/kyr.htm>, viewed March 2005.

18 In 2003, there were 2.5 million families with at least one child aged 0-17 years (45% of all families). Of these families, 78% were couple families and 22% were one parent families. Source: Australian Bureau of Statistics, Family Characteristics Survey, 2003, available online at <http://www.abs.gov.au/Ausstats/abs@.nsf/e8ae5488b598839cca25682000131612/e6a9286119fa0a85ca25699000255c89!OpenDocument>, viewed August 2005.

‘Sometimes the government intervenes and makes the wrong decision. My uncle can’t see his children and he hasn’t done anything to them.’ Female 17-19

‘There’s been a huge bias toward mothers.’ Female 17-19

‘I think though sometimes there’s a lot of revenge from parents, the husband and wife hate each other because something’s gone wrong in their marriage so they make stuff up. Say the wife makes up stuff so the husband can’t get the children and the children are too young to have a say.’ Female 17-19

‘My dad lives in Japan and he comes over. He doesn’t tell me when he comes over so that’s why it should be changed. ‘Cause there are [young] people out there who are Eurasian or multicultural, and one side of the family lives overseas and they don’t get to contact one side of the family. So that’s maybe where that Article should be changed so that the parent has to tell the child that they are here, ‘cause it’s the child’s right. You have the right to see you father or mother.’ Female 17-19

Of all topics discussed in the focus groups, the right to family was generally the most passionately argued, with many of the respondents voluntarily contributing their personal experiences to justify their support for additional and more effective family maintenance measures.

Freedom of speech

Unprompted, the most frequently mentioned right by both focus group and survey respondents was ‘freedom of speech’. 36.6% of males and 40.7% of females who completed the survey mentioned one or more rights in the free speech ‘cluster’ of rights (see Table 3.4 above). Similar ideas included freedom of association, with focus group respondents also mentioning the right to ‘talk to anyone’ or ‘say what you like’.

However, the frequency with which the free speech ‘cluster’ of rights was mentioned was accompanied by a relative lack of sophistication in the degree of understanding of this right, as demonstrated by the dispassionate nature of discussion engaged in by the focus group respondents.

While respondents’ support for this right was generally explained in terms of their belief that young people should be able to participate and ‘have a say’ in whatever they considered important, they nonetheless displayed strong support for the idea that the enjoyment of this right must be ‘balanced’ by the responsibility to allow others to express themselves. On this score they felt the rights of young people were often overlooked, with many remarking that while freedom of speech was a right well protected in Australia, the quality of the ‘listening’ compromised their enjoyment of this right:

'The government always go on that "Children are our future", but they never listen to us.' Female 14-16

'With the Iraq issue, there was a lot of protests that went on and [the government] didn't seem to listen to them when there was thousands of people out rallying. So, you were saying [that] the children don't have as much influence, but it seemed the adults didn't have as much influence too, and there was a majority of them.' Male 14-16

Participation and democracy

Both focus group and survey respondents were asked about the degree to which they participated in various activities in order to gauge the extent to which they understood their various civil and political rights and made use of opportunities to affect change in their communities.

Participation in school

At the school level, focus group participants stated they did not have much say in the way the school was run and believed they were not likely to be able to change things they were opposed to. On the other hand, almost all knew what the 'rules' of the school were, in terms of what activities and behaviours were allowed, and what the corresponding penalties were for breaching these rules.

In terms of formal involvement in clubs and committees at the school level, respondents showed strong support for institutions such as the Student Representative Council (SRC), with most saying this was the one avenue for students' opinions to be effectively heard and acted upon. Having said this, however, very few focus group participants stated they were interested in holding official positions.

School students generally felt that if they were interested in starting a new club or society at the school that their request would be granted. While very few had taken up this opportunity, those that had felt that they had reaped substantial benefits from this type of involvement. Students in one school visited, for example, had started a social justice action group which conducted campaigns addressing specific human rights concerns (such as racism) in the school and the local community. These students reported a sense of accomplishment, self-worth and confidence associated with participating in such activities, highlighting the importance of providing opportunities for students to develop personal initiative, leadership and decision-making skills.

Participation in the community

Outside of the school context, many respondents had engaged in some form of political activity, such as signing a petition, writing a letter or protesting as chief types of engagement. Generally speaking, they were more likely to have taken part in activities requiring the least individual effort: quite a few had signed a petition or written a letter, while only a small minority had taken part in a street demonstration (see Table 3.7).

Table 3.7 Mean Political Activism (Number of Activities Engaged In) for the Entire Sample in Each Activities Cluster

Activities Cluster	Mean
Petition (Range 0-2)	0.96
Rally/Demonstration (Range 0-2)	0.24
Written to Politicians/Media (Range 0-2)	0.62

NB – Section 3b of the questionnaire contained a list of six political activities (e.g. ‘Signed a petition’, ‘Written to or contacted a politician’). Participants were asked two questions: Whether they had participated in any of the activities (Yes/No) and whether they would participate (Yes/No). Only the actual participation scores were analysed. The aim of this section was to measure the extent of active political involvement in terms of the number of activities engaged in. The six political activities were combined into three clusters according to their underlying conceptual base (Petition, 2 items; Rally/Demonstration, 2 items; Written to politicians/Media, 2 items). Political activism was measured in terms of the number of ‘Yes’ answers overall and in each cluster.

Many of the focus group respondents questioned the value of these forms of participation, including some of those who had participated in some way. The majority believed that such indirect attempts by young people to influence governments were easy to ignore:

‘Adults are more respected than children on a general basis I think.’ Male 14-16

‘I think of politics as this big frustrating thing that we have no power over and they don’t listen to us.’ Female 14-16

‘As a child I don’t think we have as much [influence]. People think we are not as educated, we’re younger, we’re immature. I think when we get older people will listen. It’s just the way our society works, I s’pose.’ Male 14-16

Of the focus group members who had written a letter to a politician (either local, state or federal), most thought their concern had been considered and would write other letters in the future. The majority of respondents who had not written to a politician said they did not intend to, expressing serious reservations about the usefulness of such action:

‘I think that the main reason why people don’t [write letters] is that, would the politician actually read the letter? Would

anybody read the letter or would it just go straight into the bin?’ Male 17-19

Some respondents expressed a sense of guilt, believing that they should do more, but not having the motivation to act:

‘As bad as it sounds though I couldn’t really get motivated enough to sit down and write a letter. Honestly, in my heart of hearts I don’t care. I know it’s wrong, the immigrants being treated badly ... To me it seems more important, I’ve got a major work due tomorrow which I haven’t started, I’ve got basketball this afternoon, whatever. I don’t have time to sit down and write a letter. I don’t feel strongly enough about it to do something.’ Male 14-16

Direct action, such as participating in a street protest about a particular policy or issue was the least popular type of political engagement among both focus groups and survey respondents. In a few focus groups, for example, respondents expressed concern about the risks associated with this type of action, particularly the potential for the police to be involved:

‘Maybe you’d get in trouble for protesting though; there are stories where people burning flags and advocating something negative about the Australian flag, you might be approached by the police.’ Female 14-16

‘Yeah, well over in Perth I think it was they had some people campaigning against some people being locked up in the detention centres, [but] they kept getting arrested for speaking their mind.’ Male 14-16

Overall, however, respondents displayed a sound understanding of the concept that democracy reflects the will of the majority. Significantly, even those who reported they had little motivation to vote or protest were aware that affecting social and political change was about organising many people to act ‘as one’. As such, these sentiments appear to be the first stirrings of an understanding of the fundamental operation of civil society.

The more politically active participants expressed the belief that such a ‘movement’ or organisation was more likely to have their opinions heard if they used all the available means of protest at the same time. While they acknowledged it was often difficult to remain motivated and optimistic, these respondents maintained that concerted effort would eventually be rewarded:

‘The more involved you get the more impact you can have. It’s the wrong idea to suggest that your opinion doesn’t matter and you’re only one person, you can’t change something. But if you get involved, I think you can.’ Male 14-16

‘You have to get support and lobby.’ Female 17-19

‘Make noise.’ Female 17-19

'Use the media. I suppose the media is the major resource of getting information out there. If you get a group of people, go to meetings. You go have rallies, hand out pamphlets. Make yourself known, make a lot of noise. So if one person takes notice then somebody else might take notice and eventually you might have all these people and they might join your cause. Eventually the noise gets bigger and bigger until somebody up there has to take notice.' Female 17-19

Importantly, those who had participated in these methods were more convinced of the efficacy of such an approach. The focus group data on this topic supports the survey finding that many young people have engaged in some form of political participation before they are of voting age. However, most feel that the effectiveness of political engagement before the age of eighteen is severely limited.

Once they reached eighteen, the majority of focus group respondents said they were intending to be active voters, but did not display a great deal of enthusiasm for the electoral process. One frequently mentioned reason for their self-confessed apathy was that there was little perceived difference between major parties and their policies, with this similarity doing little to inspire them to vote one way or the other:

'The question is will a different government make a difference? If it won't, then our vote won't do anything.'
Male 17-19

A common view was that political parties pursued their own agendas rather than the needs of the people they represented:

'I reckon they all just say all this so they can get in and then just stuff it all up.' Male 14-16

In most groups, the main reason given for intending to vote was that individuals are subject to a fine if they don't:

Q: *So you'd like to participate in choosing the government?*

'Yep.' Male 14-16

Q: *Do you think you will influence the government?*

'Not really.' Male 14-16

'No.' Male 14-16

Q: *So why waste time voting if you can't have any influence?*

"Cause you get fined if you don't.' Male 14-16

While this statement was generally made 'tongue in cheek', it often foreshadowed a more serious discussion about whether or not voting should be compulsory. On this question focus group respondents were divided, with many agreeing that if voting were not compulsory their overall lack of enthusiasm for the process would mean that they might choose not to participate at all. However, a small number of respondents expressed enthusiasm for voting regardless, and looked forward to the opportunity.

In some groups, the idea of holding referenda for particular issues was introduced. Respondents who debated this idea showed considerable enthusiasm, compared to their 'lukewarm' support for voting in elections. This serves as an important qualification to their views on voting overall, that while they are unlikely to support any one party's full range of policies, they were passionate about some issues and desired a greater say on individual policy items of key interest to them.

On the whole, the respondents were politically engaged to a moderate extent. Most of the respondents had exercised their right to peaceful protest and to communicate their views to authority. In that sense, they could be described as fairly active citizens taking an interest in current civic issues. And while they had a good knowledge that a working democracy was an expression of the will of the majority, they only displayed a fairly rudimentary understanding of political institutions and processes overall.

Refugee rights

The clear majority of both survey and focus group respondents agreed that the single most pressing concern in terms of human rights issues in the national context was the 'refugee issue', specifically the policy of mandatory detention of asylum seekers. The overall opinion was that the policy was unduly harsh on children, with the majority of respondents supporting the release of child detainees from immigration detention facilities.¹⁹ The most common theme chosen by entrants in both the art and essay competition was likewise the impact of immigration detention on children.

'They're looked after but it shouldn't be happening. They've got nothing to do. It's like a gaol, a luxury gaol.' Male 14-16

'They've got no life.' Male 14-16

In this respect they may be seen to mirror the broader community response which also developed an increasing level of intolerance to the policy of incarcerating asylum seeking children and young people behind razor wire for protracted periods of time.

This quite specific knowledge about the detention of juveniles in immigration detention centres was very likely a result of a high profile media campaign by a number of organisations on this issue at the time these focus groups were held. Some of the participants may also have been aware of the direct involvement of the incumbent Human Rights Commissioner,²⁰ who was present at many of these discussions, resulting in more positive attitudes

19 This research was conducted before recent changes to federal government policy allowing immigration detainees with dependant children to be housed in 'community detention'; as opposed to immigration detention centres.

20 The Human Rights Commissioner issued three media releases during this period (10 March to 23 June 2005) calling for the release of children from immigration detention facilities in Australia. They are available online at http://www.humanrights.gov.au/media_releases/index.html.

being expressed on this issue. The cases of Cornelia Rau and Vivian Alvarez²¹ were likewise much reported throughout most of the time during which focus groups were conducted. The sustained negative press the government received during this time would arguably have influenced the views of these young people with regards to the policy of mandatory immigration detention.

Participants discussed this issue in considerable detail, and often quite animatedly. The perceived problems with the policy mentioned by respondents included: mental health problems within the detainee population, particularly children; extreme behaviours, often exacerbated by mental illness, such as self-harming and violent protest; lack of education and interpreter facilities for both adults and children; and a shortage of activities or entertainment for detainees.

A small number of the focus group participants had had some contact with child asylum seekers in detention, and described the experiences of detainees in very negative terms:

'I know some of the kids that lived in detention centres. And if you hear their stories it's pretty genuine and you feel pretty sorry for them, like, it's pretty bad. And the media stories are not really what it's like ... They say it's worse being in the detention centre than it was being in their country. They said the detention centre is just the worst.' Male 17-19

'I don't think they've done a good thing with that, putting people in detention. Some friends of mine found out suddenly they might have to go back. They are really, really, very bad.' Female 14-16

Q: *What impact does that have on families?*

'They're heartbroken.' Female 14-16

Only a very small number of respondents agreed with the policy, saying it was necessary for 'border protection' or 'national security', with the outright majority clearly of the opinion that there is no justifiable reason to incarcerate asylum seeking children and families:

'Basically, right now, there are kids who are in detention and I'm pretty sure that they've done nothing wrong considering they're only children, but they're getting treated like they have done stuff wrong.' Male 14-16

Q: *The government is saying they need to protect borders.*

'Um, yeah, but not at the cost of children's rights, basically. Any kid in Australia wouldn't get treated as they get treated.'

21 Cornelia Rau is an Australian permanent resident who was found to be wrongfully detained in Australian gaols and immigration detention centres for the majority of 2004. Vivian Alvarez is an Australian citizen who was wrongfully deported by the Federal Immigration Department to the Philippines in 2003.

Nobody would have it. But because it's Australia and because they think they are from overseas they get treated that way and nobody says much about it. Or people say [something] about it but nothing gets done.' Male 14-16

Respondents' attitudes towards the children of refugees and asylum seekers, however, did not translate into unqualified support for the view that immigration detainees were deserving of the same rights as Australian citizens. In the survey, the overall mean score (on a seven point scale, with a score of seven representing an unfavourable result) reflecting attitudes towards the rights of people described as refugees, immigration detainees and 'illegal' immigrants was just 4.02 (see Table 3.8 below).

Table 3.8 Mean Attitude/Belief Scores About Contemporary Australian Human Rights Issues (1: Endorse/Favourable – 7: Oppose/Unfavourable) for the Entire Sample In Each Rights Category

Rights category	Mean
Refugees/Detainees/Illegal immigrants	4.02
Indigenous people	1.81
Cultural diversity	2.23
Unjust war service	2.36
Bullying (reversed) 1:Oppose – 7:Endorse	3.11
Overall mean	2.71

So, while respondents strongly disapproved of the mandatory detention of children, they were (albeit only slightly) unwilling to agree that refugees, immigration detainees and 'illegal' immigrants²² deserved the same rights as Australian citizens. This attitude may in part be explained by the willingness of focus group participants to agree that arriving immigrants may have to leave aspects of their culture 'at home' if they are to participate effectively in Australian life (see **Case study 4 – Female genital mutilation** pp. 26-28).

22 Australia is signatory to the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (the Refugee Convention), which places an obligation on Australia to protect people fleeing persecution for specific reasons. In the three year period from July 1999 to June 2002, over 90% of unauthorised boat arrivals who applied for Protection visas within Australia's migration zone were found to be genuine refugees. (Source: Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), DIMIA Annual Report 2002-03, 2003, available online at http://www.immi.gov.au/annual_report/annrep03/report01.htm, viewed September 2005.) The interchangeable usage of the terms 'asylum seeker' and 'illegal immigrant' to describe people in Australian immigration detention facilities is not supported by the above statistics.

Indigenous rights

The issue of disadvantage facing Indigenous Australians was mentioned in about half of the focus groups conducted. The majority of sympathetic views and relatively high salience of this topic support the survey results which show that the rights of Indigenous peoples are the most supported of all minority groups mentioned in the survey (see Table 3.8 above).

The focus group findings point to a reasonable awareness by participants that, while Indigenous Australians have the same rights as the rest of the community, key social indicators show that Indigenous peoples are enduring significant social disadvantage. Factors identified by respondents included: health problems; low engagement with the education system, including during the compulsory years of schooling; and drug and alcohol problems:

‘There needs to be an organisation that helps Aboriginal kids go to school. I think there’s a lot of alcohol abuse, and abuse in Aboriginal families, in Aboriginal areas. [We need to] make everyone a bit more aware of the problem.’ Female 14-16

‘Indigenous people experience the worst health, the lowest education levels, the highest unemployment rate and the greatest contact with the criminal justice system.’ Female 17, essay entrant

The need to raise the general level of community awareness on these issues emerged as a recurring theme, with a number of respondents mentioning that, although they themselves knew Indigenous communities faced various disadvantages, there was little understanding of this in the general community:

‘Not totally understanding the kind of culture that they need to have to survive is causing a lot of problems.’ Male 14-16

Some respondents mentioned the ‘mandatory sentencing’ laws of Western Australia and the Northern Territory as a major human rights issue faced by Indigenous Australians,²³ expressing a belief that these state-based laws impacted unfairly on Indigenous people. A couple of respondents said that they also considered ‘Aboriginal deaths in custody’ to be an ongoing problem. However, as mentioned elsewhere, the young people in this study simply did not appreciate the scale of disadvantage faced by Indigenous Australians.

Respondents in one focus group, conducted in a town with a large Indigenous population, had a particularly complex discussion about relations between Indigenous and non-Indigenous communities. Overall, members of this group spoke of an entrenched ‘race relations’ problem in the community, but felt that very few useful measures were in place to tackle the problem.

23 Mandatory sentencing was introduced in Western Australia in 1996, where it applies to burglary, and the Northern Territory in 1997, where it used to apply to a wide range of property crimes. The NT legislation was repealed in October 2001.

A small number of participants in the focus groups identified as being Indigenous. Many expressed anger at the scarcity of options and opportunities for advancement available to them because of widespread racism and discrimination. The majority did not expect to continue school beyond the compulsory years,²⁴ and those who did felt they faced greater difficulties than their non-Indigenous classmates, including from within their own community. One Indigenous youth put it this way:

'It's even worse when you're Aboriginal ... I get so angry at [others in the Aboriginal community] because they're giving people like us, who want to do good and want to finish school and stuff like that, a bad reputation. If you go into the shops you're portrayed as somebody who's going to wreck something or steal something. It's so stupid.' Male 14-16

While the number of Indigenous survey respondents was too small to elicit reliable trends compared to the entire sample, the attitudes of Indigenous focus group participants reflected some of the ongoing difficulties faced by young Indigenous Australians today.

Given the small Indigenous sample in this study, further research into human rights knowledge and attitudes of Indigenous young people will need to be undertaken to ascertain whether or not their views correspond with the general trends exposed by this research. Such research would need to be overseen by HREOC's Aboriginal and Torres Strait Islander Social Justice Commissioner in the course of his five year term.

Right to education

The right to education was singled out by participants in the majority of focus groups as being one of the most important rights to uphold. However, this view was generally qualified by an acknowledgement that they themselves had access to a high standard of education, as young Australians.

Some respondents talked about the link between poverty and lack of education in other countries, demonstrating knowledge that many children in poor and developing nations often had little or no education. Discussions of this nature often centred around the perceived 'vicious circle' of inadequate education reducing a people's capacity to 'break the cycle' of poverty:

'Knowledge [is the main issue]. If you're not educated, you can't fix it.' Female 14-16

'In the third world countries, generally there's a large population of young children there, and if we can give them their resources so that they can grow up with the same opportunities we have, then the world as a whole is

24 The 'apparent retention rate' of Indigenous students to Year 12 is just over half that of the overall population. Source: Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2005*, 2005, available online at <http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2005/chapter03.pdf>, viewed August 2005.

potentially going to have a whole lot more educated people with good ideas and good influences and ways to help everyone. Like karma, it will come back to us eventually, it will help us out.' Female 17-19

'Developing countries don't have access to the law, don't have access to being protected. It's just a cycle that developing countries have based on lack of education and lack of being able to grow up in a healthy condition where that's just taken advantage of by developed countries.' Male 17-19

As a discussion starter, focus group respondents were introduced to the fact that in some communities, girls and women were restricted in their access to education beyond their early teens for religious and/or cultural reasons. In line with their other views on 'cultural versus individual' rights, the respondents' popular view was that the decision to continue education must be made by the individual. Generally speaking, while they respected the right for parents to make decisions that affect their children's lives, they did not agree that parents had a right to restrict, say, a daughter's access to education.

'Basic' rights to water, food, shelter

Respondents often discussed what they described as 'basic' rights, such as adequate access to water, food, shelter and health services:

'Well, there's no point really in having human rights if you're going to die at the age of ten. I just think that you have to remain healthy physically, and it should be an obligation of countries that can spare money to help the other countries.'
Male 17-19

In discussions focussing on the CRC, these results point to their strong support for Article 6 ('You have the right to life. Governments should ensure that children survive and develop healthily')²⁵ and Article 24 ('You have the right to good quality health care and to clean water, nutritious food and a clean environment so that you can stay healthy. Rich countries should help poorer countries achieve this').²⁶

This trend is strongly supported by the survey data, which clearly shows that the 'health' cluster of rights was the second most supported set of rights overall (see Table 3.4 p. 40). Overall, there was agreement that Australia was 'lucky' compared to many other countries, with respondents seeming to instinctively compare their experiences to those of the remainder of the 'global community'. This attitude may be the result of television exposure to widespread advertisement campaigns conducted by national and international charity organisations.

25 Adapted from The Rights Site, Summary of the UN Convention on the Rights of the Child, UNICEF UK, <http://www.therightssite.org.uk/html/kyr.htm>, viewed March 2005.

26 *ibid.*

Poverty, especially in African nations, was recognised as the single greatest human rights issue globally, with most groups mentioning widespread famine in 'poor' countries.

The issue of poverty was frequently contextualised by a continuing discussion on global inequality. In some groups, the idea that people in different countries enjoyed or 'believed in' different rights emerged as a key theme:

'They don't believe in human rights over there, do they?'

Male 14-16

'Yeah, but it's just the way that country is. They're just poor.'

Male 14-16

'If you are not told it's wrong or an abuse of a human right, then it's not wrong.' Female 14-16

Younger focus group respondents seemed to believe that it was fair that people in other nations enjoyed different rights, because they are 'different'. They were also less likely to demonstrate an awareness of the causes of poverty. Older respondents, especially those who had learned about rights in the classroom, were able to discuss the idea of 'relative' rights in a more complex way: that people may be entitled to rights without being able to enjoy them; that inequality has complex economic origins; and that, on the international stage, countries which purport to be the strongest supporters of human rights may still benefit trade-wise from entrenched global inequality.

Many respondents demonstrated they were aware of inequality in terms of workers' rights between richer and poorer nations, but did not see how they were able to play a part in redressing the balance. In some groups where discussion about the rights of workers around the world arose, some participants said they had considered ways to make an individual contribution to redressing the balance, for example, by refusing to buy goods manufactured in sweatshops. However, they generally felt their contribution was too small to matter or that, on balance, it would still be of more benefit to these communities to buy the goods regardless:

'They'll probably be worse off without us buying their products, so we are doing them a favour by buying the shoes even if the rights of those workers have been violated.'

Female 14-16

On the topic of health issues in the global context, the most discussed concern was the availability of food and clean water. Some respondents also mentioned the spread of diseases such as HIV/AIDS and malaria. A few group members went on to express their belief that, by Western standards, the tragedy was that these diseases are containable by using drugs and technology available in developed countries.

Generally speaking, there was strong support for the idea that wealthy nations such as Australia had an obligation to assist poorer countries with money, aid and know-how in order to break the cycle of poverty:

‘The greatest enemy the poor have is our indifference. To create global justice and eradicate poverty we need to build bridges of partnership between developed and developing countries.’ Female 17, essay entrant

Respondents proudly pointed out the response of the Australian government and citizens to aid relief efforts following the 2004 ‘Boxing Day Tsunami’ was both generous and appropriate, but that Australia should not wait for a disaster to happen before providing aid.²⁷

A notable gap in the knowledge of respondents was revealed by the fact they did not mention limited access to these ‘basic’ rights faced by many Australians (especially the poor health and nutrition endured by individuals in some remote Indigenous communities). Given their willingness to support the eradication of poverty, it is somewhat surprising that no respondents made mention of the significant health and poverty issues facing Indigenous Australians, especially when their strongly professed support for the rights of Indigenous peoples is taken into account (see Table 3.6 p. 43). This highlights the importance of introducing young people to contemporary Indigenous issues within human rights education programmes.

27 By 30 June 2005, Australian non-government organisations had raised \$366 million to provide relief to areas affected by the 2004 tsunami. Source: Australia Council for International Development, Second Quarterly NGO Report on the Asian Tsunami, 2005, available online at http://www.acfid.asn.au/campaigns/second_quarterly_ngo_report_050906.pdf, viewed October 2005.

Conclusions

So what does all this mean? What do the focus group and the survey results tell us about the attitudes of Australia's young people towards human rights and society in general? People who are interested to read this material will possibly arrive at very different answers to those questions, however it seems appropriate to establish an 8 point framework within which the key issues can be scrutinised. These are:

1. Egalitarian rights
2. Overall knowledge
3. Awareness of human rights
4. Rights and responsibilities
5. Individual rights
6. Participation and democracy
7. Civil rights
8. Economic rights.

As stated in the **Data Collection** chapter, the substantial number of participants, as well as the geographic and demographic diversity of the sample across the three data collection methods (focus groups, survey, and essay and art competitions), mean these results can be extrapolated to represent the views of young Australians overall. The consistent similarities in the findings across the three methods also suggest that the findings are representative of the views of youth in the target age group.

Egalitarian rights

The traditional Australian concept of the 'fair go' society, which for many previous generations of Australians was the idea which underpinned what today would be called 'human rights', is still alive and well among today's young people. First and foremost, these young people totally reject that discrimination, especially on the basis of sex or race, has any place in the civilised society they inhabit.

This undoubtedly represents one of the great 'sea changes' in Australia's social consciousness. Thirty five years ago and more, the fair go ethos was played out on a stage dominated by white Anglo-Saxon mores, with women's roles primarily defined by home-making and men's by breadwinning. Migrants from any background that did not include English as the mother tongue, found Australian society to be tolerant at best and definitely not inclusive. The young people involved in this project would consider these characteristics as describing 'another Australia' – so far is it removed from their experience of life in the Australian society they inhabit



today. As the time span involved for this metamorphosis roughly parallels the introduction of the federal Racial and Sex Discrimination Acts, it is possible to tentatively conclude that they have been at least partly responsible for effecting these quite profound sociological changes.

It is also interesting that regardless of the cultural diversity, characteristic of the multicultural Australia of the new millennium, these young people of so many diverse backgrounds have still come to share the current version of the Australian ethic of the 'fair go' country. The previously all pervasive influence of the Christian religion on the ethics underpinning the 'fair go' is still very dominant. However, it has become diffused by the influence of other religions, and the more secular approach to values adopted by many Australians. Nonetheless, the belief in the fair go as an underlying Australian 'right' is still vigorously asserted.

This attitude was clearly evident in discussions about access to 'basic' rights such as water, food, shelter and health care. A clear trend in opinion was evident across all data collection methods: as young Australians, these participants felt they were lucky compared to those in less developed countries because they enjoy unfettered access to these basic rights. This belief was also apparent in the widely held view that a 'rich country' like Australia should do what it can to assist less developed nations in improving access to these basic rights.

However, it is also noteworthy that, like previous generations of non-Indigenous Australians, young people automatically associated the 'basic rights' issues with communities living in lesser developed nations; at no point in the dialogue did Australian Indigenous peoples feature as requiring more assistance to bring their basic life statistics into line with the broader Australian community's.

Overall knowledge

The findings from both the survey and focus groups showed that these young Australians had a very broad view of what constitutes 'human rights'. Respondents also displayed a great deal of variation in their degree of knowledge, suggesting not only different sources of information but different levels of exposure to it.

This wide gap in the participants' degree of knowledge also reflects the somewhat arbitrary exposure to human rights education young people receive in the classroom. Nevertheless, it is likely that contemporary teaching practices have resulted in a greater overall grasp of human rights concepts compared to previous generations of young people.

While the teaching of human rights per se is not a mandatory component of any state or territory school curricula in the country, learning outcomes in a number of contemporary subjects allow educators to more easily introduce human rights concepts in the classroom today. (Additionally, Australia's National Goals for Schooling supports the broader aspirational goal that

schooling should be 'socially just'.¹ The minority of young people in this study who demonstrated detailed human rights knowledge are thereby benefiting from the flexibility of contemporary teaching practices at both the primary and secondary level.

Contrary to what might be 'media-driven' stereotypical views of today's young people as devoid of civic values, or in old time parlance 'knowing the difference between right and wrong', the research highlights that there is a healthy appreciation for, and understanding of, 'values'. This was best highlighted by discussion surrounding two of the case studies in the focus groups, namely the ones dealing with 'youth wages' and issues of 'public space'. In the 'youth wages' discussion, participants were reluctant to discuss the topic in human rights terms. However, they were happy to engage in a vigorous debate about fairness versus unfairness, the concept that something may be unfair but legal, knowledge of overall workplace relations and potential trade union involvement. Finally, they showed an appreciation that small scale business operators face different sorts of pressures from large scale conglomerates.

In the 'public space' discussion, the majority of focus group attendees were strongly of the view that by the age of 13 the concept of shoplifting as a crime was perfectly well understood and therefore the punishment should be suitably robust. In one school, after the conclusion of the focus group, the teachers privately indicated that wherever peer assessment of an individual's transgression was permitted, the punishment meted out was invariably so tough that it had to be ameliorated by the school authorities.

The capacity for mature discussion was also impressive. This was particularly evident when examining the issues surrounding the 'female genital mutilation' example. Despite the fact that the discussion groups consisted of mixed adolescent boys and girls, the tone of the debate was always mature and serious – a fact that speaks volumes for the emotional depth of today's young people compared to what might have applied thirty to forty years ago.

Awareness of human rights

Human rights awareness, as measured either by knowledge of the United Nations and its instruments or by familiarity with domestic legal and constitutional protections, was not high. This is not surprising. As indicated in the body of this paper, the way that Australia incorporates human rights into our domestic framework is technically challenging and difficult for the lay person to understand. The anti-discrimination laws, which are the most accessible of the domestically enacted 'human rights' laws, have only been introduced in a piecemeal fashion over the last 30 odd years, and knowledge of them in the general community is limited.

As a case in point, the UN Committee on the Rights of the Child noted in its concluding observations to Australia's initial report a concern that

1 Curriculum Corporation, The Adelaide declaration on national goals for schooling in the twenty-first century, MCEETYA, Carlton South, Victoria, 1999, available online at <http://www.mceetya.edu.au/nationalgoals/natgoals.htm>, viewed July 2005.

the Convention on the Rights of the Child (CRC) and its principles are not generally known to the Australian public. The Committee recommended that awareness raising programmes be conducted about the CRC and the importance it places on the role of the family. It would be reasonable to assume that general awareness of other Conventions is similarly poor.

However, Australia is certainly not alone in this respect. As Dr Bochner states in his **Overview** (Appendix A):

The topic of human rights is extremely complex. The various Articles and provisions listed in the Declaration and Convention (CRC) tend to be interpreted idiosyncratically by different nations, cultures and sub-cultures. As well, the concept itself is internally diverse in the sense that even broadly culturally similar individuals may rank the importance of the various Articles (of the CRC) differently, usually due to variations in their demographic characteristics.

This being the case, it should come as no surprise that this project confirmed that human rights knowledge among Australia's young people is low in this sense. As stated previously, there is very little mandatory human rights content in the various state and territory curricula. The introduction of human rights concepts in Australian schools is mostly at the discretion of individual teachers.

Schools and their teachers, however, remain the primary fount of information for young people about civics and the political process. The findings of this research also suggests school learning is an important source of information about other human rights-related principles. While most of their general knowledge about human rights and related concepts comes from their consumption of popular media, those respondents who had the most sophisticated knowledge and understanding about human rights had had significant detailed instruction at the school level. The introduction of human rights concepts during the compulsory years of schooling is undoubtedly the most effective means of educating youth on these topics.

This reinforces Professor Jim Ife's construct referred to earlier, which talks about 'human rights from above' (such as domestic laws and UN treaties), compared to 'human rights from below' (the civil society at work, teaching students about good personal values, the rights of others and Australia's 'fair go' culture). Students are socialised by these 'below' mechanisms into what our community regards as important, but they are missing out on 'human rights from above'.

Recent social research also suggests that specific human rights education initiatives aimed at high school-aged youth is more important, developmentally speaking, than previously thought. A 2005 Clemenger Report makes the point that 'the values we form in early adulthood are not only those we retain as we grow older, but are ones formed by the macro

environment of our formative years.² As the only longitudinal study of its kind in recent years, this report contributes a great deal to the argument in favour of further human rights education measures specifically for young people. Furthermore, given the feeling of disempowerment expressed by some of the young people in the focus groups, the introduction of empowering human rights concepts during the school years seems extremely worthwhile as a means to ensure these young people become active, engaged and socially conscious citizens. Specifically, young Australians are often still ignorant of the principles of 'civics' and 'citizenship'³ – this is one area in which targeted education may contribute to greater social and political engagement.

Rights and responsibilities

It can be argued that the first step in developing an understanding of 'human rights' lies in the ability to balance the idea of 'rights' with their associated 'responsibilities'. The young people in this study displayed a sound grasp of the inherent link between rights and responsibilities, usually drawing on their own experiences to explain the ways in which they personally had negotiated situations of conflicting rights in their communities. As noted previously, respondents generally felt that they were 'lucky' compared to others, especially people in developing countries. They frequently mentioned rights which they themselves enjoyed – such as freedom from poverty and the right to an education – and in so doing revealed a healthy social conscience at work.

In what may come as something of a shock to parents, these young people clearly believed they considered the rights of others while exercising their own rights. However, they also revealed the extent to which they believed that others, especially adults, were not reciprocating with regard to their social responsibilities. This is consistent with overseas studies into this issue. As Bochner again observes:

The UN Convention on the Rights of the Child (CRC) has an Article saying that children should be allowed to participate in decisions affecting them, including the right to be consulted, and that their views should be taken into account. However, as Morrow has noted in her review of the relevant literature, the list of children's rights is usually generated by adults.⁴ Very few studies have explored children's views about their rights, despite the likelihood that young peoples' concepts of their rights may differ from those of older people ... Morrow notes that when adults worry about children's rights, the argument centres on issues related to absolute decision-making. It is

2 Clemenger Communications Group, 'Tomorrow's Parents' Today: A Clemenger Report September 2005.

3 B Manning & R Ryan, Youth and citizenship: A report for NYARS, National Youth Affairs Research Scheme, Canberra, 2004, pp. 89-90.

4 V Morrow, 'We are people too: Children's and young people's perspectives on children's rights and decision-making in England', *The International Journal of Children's Rights*, Vol 7, 1999, pp. 149-170.

unusual to find a relative position in these discussions, yet that is what the children expressed. They want to have a say in, but not necessarily make the decisions themselves, and also accept that the extent of their inclusion will depend on the nature and complexity of the topics being decided.

While this analysis is centred around a study from the UK, the opinions expressed by participants in this research are strikingly similar. At all levels where decisions are being made which will impact on their future, young Australians yearn for the discussion phase to be more inclusive.

Individual rights

Discussion in the focus groups, especially those in reference to the four case studies, revealed that the majority of respondents were able to engage in quite sophisticated debate over how to balance the rights of the individual and those of society. Overall, today's young people are very comfortable with the idea of 'individual rights' – a subject that that would have been quite foreign to their parents' generation.

However, they were able to articulate the 'limits' placed on the enjoyment of rights by the individual. Importantly, they were aware of the idea of balancing this right with the rights of others – being able to enjoy individual rights loses all meaning if the rights of another individual are violated or curbed in the process. By extension, the idea of exercising individual rights most certainly does not extend to justifying abhorrent practices, such as the right for a parent to prevent a child's continuing education because of cultural considerations.

The dominant 'individualist' tendency of the young people consulted is evident in their strong support for 'freedom of speech' and 'freedom of association' as key concerns to them. They are suspicious of any type of authority that seeks to undermine those basic principles.

Generally speaking, respondents believed that the rights of the individual should 'win out' over the rights of particular cultures or belief systems, especially if that culture is imported or otherwise at odds with mainstream values. This was exemplified by the nature of the discussion about 'anti-terrorism laws' in focus groups, which saw participants debating the need for one person's rights to be abrogated if the lives of many were at stake. On balance, participants remained deeply sceptical about this concept, ultimately pinning their faith on the need to maintain the individual's integrity. This was likewise a very strongly supported view by those who submitted entries in the essay competition.

In this respect young people are arguably differing in their views from those of mainstream adult Australians. As Bochner states:

... even in those countries with robust democratic systems, the rights pendulum can swing back towards the state/public end of the spectrum, particularly in times of external threat. A current example is the debate in Australia and elsewhere about the legitimacy of curtailing the rights of individual citizens in the name of fighting the so called 'war on terror'.

Empirical proof of this statement, and the wide opinion gap between the youth of Australia (as elicited in this project) and their adult brethren, is provided by the ACNielsen poll for the Sydney Morning Herald newspaper of 25 October 2005. This showed 74% of those polled supporting restrictions on the rights of terrorist suspects by mechanisms like 'house arrest' or 'tracking devices'.⁵ This polling outcome appears to be at odds with the views expressed by the young people in this project.

Participation and democracy

The results indicate that many of the young people are reasonably active citizens, but there is some room for improvement. The policy implications of these findings are to support schools and youth organisations in their civic education programmes, particularly through initiatives that show young people how to make their voices heard, and why it is important to do so.

Overall, participants appreciated the opportunity to engage actively in their communities. Most had taken advantage of some of the tools available to them to engage in the democratic process (for example, writing a letter to a politician or signing a petition), and almost all had a sound knowledge that a working democracy was a reflection of the will of the majority. It was notable that while some had taken part in a demonstration, they were mostly concerned not to engage in anything 'illegal', or attract the adverse attention of the police.

On the other hand, participants did not reveal clear knowledge of political processes and institutions. This has been noted in other research too, and the existence of a 'civics deficit' in knowledge is not confined to the younger members of Australian society. This is largely a result of the absence of mandatory teaching on 'democracy' and 'civics' subjects in state and territory school curricula.

Those participants who were more politically active were more likely to believe that they had the power to make their opinions heard, despite the fact that the majority believed that attempts by young people to influence government were very easy to ignore. And while almost all intended to be active voters once they were old enough, they also expressed a general mistrust of mainstream political parties. Nevertheless, they remained optimistic about their ability to favourably influence individual politicians on 'single issue' matters.

In general, these responses concerning the democratic process and the intention of the young people to engage with it were heartening. Once again it highlights the need to exercise caution when making abstract judgements about the attitudes of young Australians towards politics.

5 D Humphries, 'Voters say yes to terror Australis', Sydney Morning Herald, October 25 2005.

Civil rights

Most young people mistakenly believe that they have 'rights' and that the source of them is possibly the Constitution or, failing that, the 'Bill of Rights'. In this respect of course they are reflecting the ubiquitous reach of popular American culture, which has been so successful in teaching the world about the US Bill of Rights.

This project highlights the amount of work required to inculcate a better level of understanding among our young people as to what rights are currently protected in Australia and what remains to be done to achieve a better level of coverage. One of the few positive features to emerge out of the current debate about the anti-terror laws (as explored in the focus group discussions), is that inevitably young people will become more aware of how few current individual civil protections exist and how easy it is for governments to override them. Their oft expressed belief that the detention of children in immigration detention facilities constituted 'worst practice' shows a degree of awareness that governments do not always place the rights of individuals first when making and acting on policy.

The other feature highlighted by this segment is how useful the electronic media, and especially those with a high proportion of 'pop culture' content, can be in spreading a message to young people. This lesson needs to be absorbed by those organisations wishing to promote human rights teaching materials – the use of pop culture techniques and references in the preparation of these resources may be highly effective.

Economic rights

As previously indicated, young people in Australia readily appreciate that material conditions in Australia are generally very good. Therefore any discussion on the topic of economic rights immediately drifted towards conditions in developing countries and the need for mainstream industrial countries like Australia to provide assistance, so they too could improve their standard of living. Once again the impact of electronic media to transmit messages that resonate was obvious. Focus group participants' references to the '2004 Boxing Day Tsunami' and advertising campaigns run by international aid organisations reinforced this point many times over.

The key message here is that, no matter what the socio-economic background, all participants had grown up in a period of great economic prosperity – hence they appreciated these issues only in the context of developing nations.

This attitude was clearly evident in discussions about access to 'basic' rights such as water, food, shelter and health care. A clear trend in opinion was evident across all data collection methods: as young Australians, these participants felt they were lucky compared to those in less developed countries because they enjoy unfettered access to these basic rights. Again, there was a widely held view that a 'rich country' like Australia should do what it can to assist less developed nations in improving access to these basic rights.

Again, these young people displayed a notable lack of understanding that some communities in Australia, and especially those Indigenous communities in remote locations, face difficulties akin to those experienced by people in developing countries.

Implications for human rights education in Australia

One of the chief aims of this project was to isolate information about youth knowledge and appreciation of human rights issues which may inform future education initiatives, especially for young people in the school environment. The prevailing attitude – that human rights are very important in contemporary society – is extremely valuable, in that the majority of high school aged youth are already very open to that idea.

The findings indicate that human rights knowledge depends on the experiences of the individual (such as upbringing, and the degree to which they have been involved in school and community activities) and varies with demographic differences (including sex and ethnicity). As a general principle therefore, human rights education programmes should be tailored to the developmental and personal characteristics of the target audience. Course contents and method of delivery should be adapted to the particular conditions of each group. This will require more resources than a one-size-fits-all approach, but is likely to be more effective as a result. Again, this is already a part of the existing approach HREOC takes in developing new resources for the classroom. This module ‘flexibility’ also takes into account different teaching strategies and requirements of the varying state and territory school curricula.

One of the key findings of the survey was the observable link between human rights knowledge, attitudes and behaviours. The implication here is that young people actively engaged in civic and political projects are more likely to develop an interest in, understanding of and sympathy for human rights values and practices. Also, it appears that human rights knowledge learnt in the classroom may assist young people to develop into citizens who are more socially and politically aware and active in later life.

This reflects other research literature which shows that traditional ‘talk-and-chalk’ classroom techniques are usefully supplemented by activities both inside and outside the school. Activity-based learning programmes are also more appropriate for younger students, students who speak English as a second or additional language, and students with learning or literacy difficulties.

Young people experience difficulty in navigating the wealth of information on human rights-related topics, and require greater guidance at the school level. Focus group participants who said their schools had run active education programmes, such as ‘hands-on’ anti-bullying strategies, were convinced of their worth. Methods such as these allow the culture or the ‘values’ espoused by the school to filter from the top down, and young people are much more likely to respond to the ‘do as I do’ approach. This highlights the need for human rights education programmes targeting youth to additionally provide support to the educators as well.

The participants' lack of knowledge about some key human rights issues in Australia (such as the way in which domestic legislation protects rights, or of social issues such as Indigenous disadvantage) suggests that additional human rights education campaigns are needed. As previously stated, human rights education measures 'from below' (which encourage young people to understand human rights concepts in the context of their day to day lives) could be meaningfully complemented by programmes which introduce human rights 'from above' (that is, human rights as defined by UN Conventions, and Australia's Constitution and domestic laws).

Whilst HREOC has previously advocated for the formal inclusion of 'Human Rights' as a discrete area of study, such a significant shift is unlikely to occur for some time, due to the fact that education curriculum experts would need to be convinced of the desirability of such an addition to an already crowded syllabus. For this reason, the best use of HREOC's resources in the immediate future is the continued expansion of the current suite of education materials which are designed to complement the existing upper primary and secondary curricula. HREOC has already developed resources which address some of the specific knowledge gaps identified in this study, specifically the *Bringing them home* education module and *Youth Challenge – Unit 1: Human Rights in the Classroom*.

Finally, the data shows that young people currently learn much about human rights concepts from popular media. This should be borne in mind when developing new education initiatives in this area. Furthermore, the predominance of US content in Australian media programming needs to be allowed for; for instance, a useful introduction to rights-related concepts may involve educators pointing out the ways in which Australian laws differ from those in other countries, such as America.

Implications for Australia's involvement in the World Programme for Human Rights Education

In July 2005, the UN General Assembly adopted the revised Draft Plan of Action for the first phase of the World Programme for Human Rights Education. The first phase of this Programme (2005-2007) focuses on human rights education in the primary and secondary school systems.⁶

The Draft Plan of Action notes that national human rights institutions shall be invited to provide expertise, information and other resources in elaborating and implementing human rights education in schools programmes. They may be involved in training, material development, research, fundraising, advocacy and lobbying.

The Draft Plan of Action also suggests that the appropriate educational policies, legislation and strategies are human rights-based, including curriculum improvement and training policies for teachers and other educational personnel. In this way, the Plan of Action recommends that effective human

6 UN General Assembly, Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, A/59/525.Rev.1, 2 March 2005.

rights education measures will permeate the culture of the entire school, requiring assistance to be provided not only in terms of information but training.

In line with these recommendations, HREOC will be seeking ways to expand its delivery of human rights education resources.



Recommendations

It is hoped that this report will be considered useful by a wide range of individuals and organisations. However, any recommendation for action based upon it is not meant to be prescriptive for anyone other than HREOC. The recommendations below are primarily guidelines for action to be taken by HREOC. Plus some suggestions, which might help those with a vested interest, to improve the efficacy with which Australia's young people engage with human rights.

These recommendations represent a good starting point for building on existing strategies for encouraging young people to become more active in civic life and develop specific human rights-related knowledge. Future action which has been informed by this research in any way will also be guided by other developments in the field of human rights education, including both national initiatives such as the National Framework for Values Education and international initiatives such as the UN World Programme for Human Rights Education.

1. Promote the inclusion of human rights education into the national Values Education framework.

As schools in each State and Territory are now required to address 'Values Education' in an ongoing, planned and systematic way across the national 'Key Learning Areas' (KLAs), HREOC will work closely with the school sector by assisting educators to include human rights education modules and strategies as part of their Values Education programming.

2. Encourage schools to use a 'hands-on' approach to human rights education.

Given the efficacy of active individual involvement, such as participation in school or volunteer groups, in developing support for human rights concepts among young people, HREOC will continue to support schools to involve students in ways that engage and stimulate them. HREOC will also encourage other human rights education teaching principles which are promoted as part of the first phase of the UN World Programme for Human Rights Education in primary and secondary schools.

3. Encourage schools to actively foster human rights/equality programmes.

Young Australians already strongly support the idea of social equality, however schools which run specific programmes encouraging tolerance and diversity, such as anti-bullying or anti-racism programmes, benefit their students enormously. HREOC will continue to offer strategic support in this area.



- 4. Encourage students' involvement in 'civil society'.**
Young people require a solid understanding of the rights and responsibilities of citizens in democracies to participate effectively in public life. Given the current ambivalence of young people towards engaging with these concepts, HREOC will continue to make them a central part of those public education strategies aimed at young people.
- 5. Teach more about Australia's civil rights protections.**
Knowledge of the strengths and weaknesses of Australia's civil rights protections is relatively weak amongst Australia's young people, mirroring the position in the general community. Mindful of this fact, HREOC will continue to provide educative materials that assist teachers and students better understand the Australian 'menu' of civil rights protections and areas where that list could be strengthened.

Human Rights-related Attitudes and Behaviours among Young People: An Overview by Dr Stephen Bochner

The concept of citizenship

The idea of citizenship has been a central and recurring theme in human thought, going back to the nation states of ancient Greece and Rome. This is a large and complex topic that is beyond the scope of this review. However, it cannot be completely ignored, because the concept of human rights is inextricably linked with the notion of citizenship.¹ Consequently, a brief historical overview of how the notion of citizenship evolved over the past 2,000 years has been included as a way of providing some context for the present project. As will become evident, many of the current issues and topics covered by the items in the focus group interviews and questionnaires echo and in some cases replicate the writings of the classic philosophers. For them this was no idle form of theoretical speculation, but a matter of critical practical consequence. That is because they were engaged in generating a hitherto untried form of democratic governance, which very much depended on the definition and functions of citizenship.

We start with Plato (429-347 BC), who in the Republic proposed that the social cohesiveness of a society depends on the active participation of its citizens. He has Socrates ask: 'Do we know of any greater evil for a state than that ... which makes it many instead of one, or a greater good than that which binds it together ... when ... all the citizens rejoice and grieve alike at the same births and deaths?'²

Aristotle (384-321 BC), Plato's best-known student, took this principle further. As Everson notes,³ Aristotle believed that realising one's human potential is closely linked to citizenship in the state and participation in its political life. Aristotle's book *The Politics*⁴ is a treatise on what today would be called participatory democracy. 'A citizen is one who shares in governing and being governed ... is one who is able and willing to be governed and to govern with a view to the life of virtue.'⁵ His special characteristic is that he shares in the administration of justice, and in

1 P Riesenberg, *Citizenship in the Western tradition: Plato to Rousseau*, University of North Carolina Press, Chapel Hill, 1992.

2 Plato, 'Republic', in E Hamilton & H Cairns (eds), *The collected dialogues of Plato*, Princeton University Press, Princeton, NJ, 1961, p. 701.

3 S Everson (ed), *Aristotle. The politics and the constitution of Athens*, Cambridge University Press, Cambridge, 1996.

4 Aristotle, *The politics*, translated into English by B Jowett, The Clarendon Press, Oxford, 1885.

5 *ibid.*, p. 92.

offices.⁶ By 'offices' Aristotle meant public activities such as voting and taking part in political debates. 'A state is a body of citizens sufficing for the purpose of life.'⁷ Aristotle was also an early advocate of what today is called civic education: 'The legislator should direct his attention ... to the education of youth ... The citizen should be moulded to suit the form of government under which he lives.'⁸

In stressing the critical importance of social engagement, the ancient Greeks started a debate about the mutual rights and obligations of what Rousseau (1712-1778) called the social contract between citizens and their societies.⁹ A look at both history and the contemporary world reveals many different versions of the relationship, along a continuum ranging from complete submission of the individual to independence bordering on anarchy. The form that the social contract takes determines the structure and functions of all nation states, ancient and modern. In the present context this means achieving an optimal balance between the rights of individual citizens on the one hand, and those of the State on the other. Unfortunately, no one has yet found an empirical way of locating this point on the continuum, which is why philosophers have used rational analysis in their attempts to arrive at a solution. In post-classical Western philosophy this search has been the subject of an ongoing inquiry during all the major historical eras. However, the problem with rational analysis is that it is less likely to lead to consensus than a scientific approach, which is why the issue remains unresolved to this day.

In medieval times thinkers such as St Augustine grappled with the problem. So did the Scholastics (particularly St Thomas Aquinas). Later, Renaissance philosophers such as Machiavelli, and British Empiricists including Thomas Hobbes constructed their theories of the State. The 18th century ushered in what came to be known as the Age of Enlightenment,¹⁰ with Voltaire and Rousseau the leading figures. It is beyond the scope of this survey to do more than list the names of these thinkers, other than to note that they all attempted, in various ways, to reconcile individual freedom with a need to maintain an orderly society, or the rule of law as it is called today. However, we will briefly single out the work of Immanuel Kant, the German philosopher (1724-1804) because of his direct relevance to the present project.

Kant wrote a most remarkable book called *The Science of Right*.¹¹ It was published in 1796, and consists of an extensive analysis and description of the various rights that form part of the fabric of a liberal society. Kant is recognised as one of the most original philosophers of his era, perhaps best known for his theories about what constitutes human knowledge. However,

6 *ibid.*, p. 62.

7 *ibid.*, p. 69.

8 *ibid.*, p. 244.

9 JJ Rousseau, *The social contract and discourses*, translated into English by GDH Cole, JM Dent, London, 1947.

10 F Thilly & L Wood, *A history of philosophy*, Holt, New York, 1951.

11 I Kant, *The philosophy of Law: An exposition of the principles of jurisprudence as the Science of Right*, translated from the German by W Hastie, T & T Clark, Edinburgh, 1887.

towards the end of his long life he became increasingly absorbed with what his English translator W. Hastie called 'the Practical',¹² Kant's way of saying that the ultimate aim of philosophy was to 'search out the principles of order and form'.¹³ The Science of Right was written to provide a rational philosophical foundation for the practice of law as a means of supporting the legal foundations of a free society.

In the introduction to The Science of Right Kant defines the concept of right. Although written 200 years ago, the sentiments and the words have a modern ring to them. The term 'universal principle of right' makes its appearance early in the piece, as does the idea that the rights of individuals are offset against corresponding obligations: 'Act ... in such a manner that the free exercise of thy will may ... co-exist with the freedom of all others'.¹⁴ Rights form part of a universal reciprocal compulsion, in harmony with the freedom of all.¹⁵ Incidentally, this proposition is at the heart of current arguments in Australian politics about mutual obligations, which just goes to show that very little is entirely new. Whether the people pursuing this debate have read Kant is unknown.

Kant defines freedom as an 'innate equality belonging to every man ... in his right to be independent of being bound by others to anything more than that to which he may also reciprocally bind them'.¹⁶ As a comment, this principle is easier stated than followed in practice. It is yet another version of the difficulty noted earlier, because it does not tell us how we can reconcile the competing rights of people whose value systems may be diametrically opposed to each other. This too is a problem that is very much at the forefront of contemporary debate, a topic we will revisit shortly.

The rest of The Science of Right consists of applying this framework to a detailed analysis of various kinds of rights. Kant divides these into two broad categories, Private and Public rights respectively. Kant's private rights consist of what we would today call the rights of the individual. Public rights refer to the rights of the State to regulate the behaviour of its citizens. In Australia these rights are currently being referred to as community rights by the authorities, partly as a means of justifying the curtailing of some of the civil rights of individuals in order to protect the nation against potential acts of terrorism. Those who sympathise with this view may find comfort in Kant's writings, some of which favour such a position. But Kant merely echoed the prevailing ethos of the 19th century. One way to put this into a local context is to note that when Britain established its penal colony in NSW after the arrival of Captain Cook in 1788, Kant was in his sixties. His life coincided with an era in which the exercise of power was heavily skewed in favour of the authorities at the expense of individual civil rights. Many of the offenders transported to the other side of the globe had been convicted of what today would be regarded as minor misdemeanours. We will revisit this issue later

12 *ibid.*, p. viii.

13 *ibid.*, p. viii.

14 *ibid.*, p. 46.

15 *ibid.*, p. 47.

16 *ibid.*, p. 56.

in connection with a look at the controversy regarding the universality of human rights across time and cultures. Kant certainly thought that rights were universal, as the quotes above indicate, but as we shall see, it is not quite that simple.

Private rights

Kant devotes a lot of attention to property rights. 'Anything is ... rightfully Mine, when I am so connected with it, that if any other Person should make use of it without my consent, he would do me a lesion or injury.'¹⁷ Much of the discussion deals with rights related to acquisitions, particularly of 'soil' or land,¹⁸ contracts,¹⁹ and the delivery of promised goods.²⁰ Except for the archaic language, all these statements are very similar to what appears on the web sites of Government Departments of Fair Trading. Kant was even worried about copyright. In a section titled 'The Unauthorized Publishing of Books' he could be referring to 21st century villains when he laments that 'Unauthorized Printing and Publication of Books is ... forbidden – as an act of Counterfeit and Piracy – on the ground of Right'²¹ Nor does libel escape his attention, in a section headed 'The continuing Right of a good Name after Death'²²

A whole section under private rights is devoted to Household Acquisitions. 'The Man acquires a Wife; the Husband and Wife acquire Children, constituting a Family; and the Family acquire Domestic ... The Right of Possession in these objects is the most strictly personal of all Rights.'²³

The emic/etic distinction

This quotation provides a good springboard for introducing the distinction between universal and culture bound constructs. In cross-cultural psychology it is called the emic/etic distinction, originally introduced into the literature by Triandis.²⁴ The distinction hinges on levels of abstraction. Many concepts at their most general can be regarded as having etic or universal characteristics. For instance, the term family can be meaningfully used to describe the domestic arrangements in most cultures during most periods of history. The primary functions of most families everywhere are also universal, because they satisfy many of the universal requirements of human kind, including producing and rearing children, protecting property rights, securing inter-generational benefits (or in plain English, having someone look after you in old age or if you become ill), and companionship, cooperation and mutual support. However the actual structure of families varies across cultures and sub-cultures, ranging from extended families based on kinship that might

17 *ibid.*, p. 61.

18 *ibid.*, p. 88.

19 *ibid.*, p. 101.

20 *ibid.*, p. 105.

21 *ibid.*, pp.130-131.

22 *ibid.*, p. 138.

23 *ibid.*, p. 109.

24 HC Triandis, *The analysis of subjective culture*, Wiley, New York, 1972.

include a whole clan; nuclear families that include a man, a woman and their children, with the parents either formally married or 'partners'; nuclear, polygamous families that include a man and several current wives, and more rarely, a woman with several husbands; blended families, where the couple have children living with them from previous marriages; single parent families; and families in which the partners are of the same gender. Despite these emic variations, the etic concept of 'family' fits all of these arrangements.

Likewise, it would be true to say that the concept of a right is universally understood. Most societies in all periods of history have used the principle as a means of regulating interpersonal relationships, and to avoid, reduce and resolve conflicts between individuals and groups. However, the contents of the rights are not universal, but differ to reflect the values of the historical period and the particular culture concerned. It is unlikely that modern feminists will be enthralled by Kant's matter of fact statement that a Husband acquires a Wife, or subsequent assertions that 'the Law says ... of the Husband in relation to the Wife 'he shall be thy master', so that he ... is ... the one who commands, and she ... obeys'.²⁵ There might be more contemporary agreement with the statement that '... the Right of the Parents to the Management and Training of the Child, so long as it is itself incapable of making proper use of its body as an Organism, and of its mind as an Understanding'.²⁶

Public rights

Having dealt in detail with the rights of individual members of a society, Kant then turned his analytic gaze to the other side of the coin, the rights of governments to exercise control over their citizens. 'Public Right embraces the whole of the Laws that require to be ... promulgated in order to produce a juridical state of Society ... Men and Nations ... require a juridical Constitution uniting them under one Will ... This relation of the Individuals of a Nation constitutes the Civil Union in the social state'.²⁷ Having defined the State and its primary function, the rest of the book describes in some detail what these functions are. This section also has a distinctly modern ring to it, with Kant making a distinction between what we would today call the three arms of government, the legislative, executive and judiciary powers respectively.²⁸

Each branch is accorded its own set of rights and responsibilities, the list including many terms that sound rather familiar. However, the implementation of these rights is heavily skewed in favour of the government at the expense of its citizens, at least by current standards. For instance the rights of the Supreme Power include dealing with acts of treason, revolution, dethronement, and revolution. 'Resistance on the part of the People to the Supreme Legislative Power of the State, is in no case legitimate; for it is only by submission to the Universal Legislative Will, that a condition of law and

25 Kant, p. 112.

26 *ibid.*, p. 116.

27 *ibid.*, p. 161.

28 *ibid.*, p. 165.

order is possible.²⁹ Kant was particularly worried about the dethronement of a Monarch – ‘seizing his Person or taking away his Life ... is High Treason (and) may be punished by Death.’³⁰ Still, it should be remembered that the modern version of dethronement – an electoral thrashing – was not available in 18th century Germany. A whole section is devoted to Land Rights, a term that had a different meaning then. The possession of land or Soil as it is referred to in the book, greatly concentrated the minds of the property owners in Kant’s times, as indeed it does in urban Australia today. Headings in this section include Secular and Church Lands, Rights of Taxation, Finance, Police and Inspection. ‘The Right of administering the National Economy’ gets a special mention, as does ‘The Police ... to care for Public Safety, Convenience, and Decency’. The latter included ‘Begging, disorderly Noises, offensive Smells, public Prostitution.’³¹ Some of these misdemeanours would be quite familiar to modern police forces. Other rights of the State include punishing and pardoning offences; assigning honours (the modern equivalent being Knighthoods in Britain and Orders of Australia in this country); and the obligation to protect children and administer programmes aimed at the ‘Relief of the Poor.’³² There is a whole section on emigration, immigration, banishment and exile, with the State accorded the right to regulate what today would be called these border-protection policies.

Finally, Kant was about 200 years ahead of his time by raising issues of international law, including the rights of nations ‘in their relations to one another’³³ and the rights of going to war: ‘... the Right of Nations to go to War and to carry on hostilities is the legitimate way ... when they regard themselves as injured.’³⁴ ‘Defensive measures ... are allowable to a State that is forced to war.’³⁵ Similar statements appear in the opinion pages of our newspapers almost daily. Kant even foresaw the establishment of the United Nations, ‘... a Union of States, in order to maintain Peace, may be called a Permanent Congress of Nations’³⁶

Human rights in contemporary times

A major research topic in contemporary cross-cultural psychology has been to compare and contrast the values, attitudes and practices of different cultures. One dimension that has received a great deal of attention is the distinction between individualism and collectivism.³⁷ In studies conducted worldwide, collectivist societies have been compared with nations that have an individualistic orientation. For instance, in Japanese culture, which is highly

29 *ibid.*, p. 176.

30 *ibid.*, p. 177.

31 *ibid.*, p. 185.

32 *ibid.*, p. 187.

33 *ibid.*, p. 213.

34 *ibid.*, p. 218.

35 *ibid.*, p. 220.

36 *ibid.*, p. 224.

37 C Ward, S Bochner & A Furnham, *The psychology of culture shock*, 2nd edn, Routledge, Hove, UK, 2001.

collectivist, conformity to the group takes precedence over the aspirations of its individual members because of the high value placed on interpersonal harmony. By contrast, members of individualistic cultures such as the United States and Australia value the achievement of personal goals even if this creates interpersonal and inter-group conflict and tension.³⁸ These cross-cultural differences extend into the political arena. Citizens in individualistic societies are much more likely to assert what they regard as their personal rights, unlike members of collectivist cultures who are more willing to accept the authority of the state. Furthermore, in collectivist societies uniformity is regarded as desirable, whereas in individualistic cultures diversity is accepted and valued. This adds a further complication to what is already a complex state of affairs: in individualistic societies not only do its people tend to be more active politically, but various groups will pursue different goals, some of which may conflict with each. For example, in many Western countries there has been an ongoing battle between animal rights activists and medical scientists who feel that they are entitled to use animals for research that may save human lives. This has direct implications for the empirical component of this project, because it follows that the study is likely to find differences among respondents' attitudes toward many of the major issues. It is also likely that these differences will be systematically related to demographic factors such as age, gender and socio-economic-status.

To make things even more complex, attitudes do not just vary in content (do you agree or disagree with a particular practice or value) but also in intensity or the salience and importance of a particular question. For instance, I don't greatly care which team won a recent State of Origin football game, but for some people this is a life and death issue. This too has implications for the focus group and questionnaire procedures, because there will be differences among the respondents about which human rights issues they think are important. There will also be individual differences about the general importance of human rights in the first place, not just particular topics. Based on research conducted both in Australia and overseas (which will be reviewed later), it is quite likely that some respondents will be rather bored with the whole topic, or at least find it less enthralling than other issues, including sporting contests.

A selected review of Australian conceptual studies of human rights

Some contemporary authors have described a lack of interest in what is often called 'civics' in terms of a distinction between active and passive citizenship.³⁹ This approach is a direct descendant of the theories initially proposed by the ancient Greek philosophers, who as we indicated earlier, thought of citizenship in terms of people actively participating in the social and political culture of their society. We will review the active/passive model and the empirical research it has generated in more detail later. To foreshadow, of particular

38 G Hofstede, *Cultures and organizations: Software of the mind*, McGraw-Hill, London, 1991.

39 LJ Saha, 'Political activism and civic education among Australian secondary school students', *Australian Journal of Education*, Vol 44, Number 2, pp. 155-174, August 2000.

relevance to the present project are the findings that active citizenship tends to be systematically related to various demographic factors.

Civics Expert Group report

In 1994 the Commonwealth Government commissioned a report 'to provide the Government with a strategic plan for a non-partisan programme of public education and information on the Australian system of government, the Australian Constitution, Australian citizenship and other civics issues.'⁴⁰ The underlying theme of the report was that citizenship is the basis for an inclusive society, which was then used as justification for educating Australians for citizenship. This in turn led to lengthy discussions about the meaning of citizenship and its essential characteristics. The authors identified participation as the core ingredient, and the bulk of the report deals with ways and means to increase active civic engagement by young people. There was a clear recognition that this would be achieved primarily through education, to 'enable Australians to participate as citizens in the operation of our democratic society ... including those measures that would help Australians to become active citizens.'⁴¹ Moving from the general to the particular, a number of specific objectives of the civics education programme were identified. A prerequisite was to have sufficient detailed knowledge about Australian systems and institutions of governance to enable individuals to discharge their formal obligations of citizenship. These included 'what it means to act as a citizen – the rights and responsibilities of citizens, and the opportunities for exercising them,'⁴² in particular voting, compliance with laws, an appreciation of the liberal democratic values that underpin our system of government, and the cultural diversity of Australian society. However, the authors state that 'citizenship entails more than knowledge; it requires a capacity to put it to work in civic participation,'⁴³ in other words, it must be active citizenship. The authors give examples of informed and active participation, such as a shareholder at a general meeting, a union shop floor delegate, a local government candidate seeking election, and all manner of volunteer work.

Another strength of the report is to make it explicit that civic knowledge and actions occur within a framework of values, and these values change over time. 'Those who established Australian citizenship ... (used for) a framework of values a White Australia of British descent ... where men would be breadwinners and women ... dependent. Active citizenship meant a capacity to perform these roles...'⁴⁴ These values no longer unite Australians together as a community. Current values are based on an acceptance of diversity in all the main areas of life, in particular differences in ethnic, cultural, religious, and sexual orientation. Similarly, the equal participation of women in the

40 Civics Expert Group, *Whereas the people: Civics and citizenship education*, Australian Government Publishing Service, Canberra, 1994, p. 1.

41 *ibid.*, p. 6.

42 *ibid.*, p. 7.

43 *ibid.*, p. 7.

44 *ibid.*, p. 14.

work force is now taken for granted by most people. It follows that active citizenship in 21st century Australia is based on an acceptance of this new value framework.

Finally, the report cites the results of a national civics survey that showed widespread ignorance about Australia's system of government and its underlying principles, such as the division and balance of powers, or the function of the High Court. For instance, only 19% of the respondents had some understanding of the federal system, 18% knew something about the Constitution, 40% could name the two federal Houses of Parliament, 24% knew that Senators are elected by and represent the states, and only 33% had some knowledge of the rights and responsibilities of citizens. The report appeared in 1994 and things may have changed in the meantime. The present project may be able to shed some light on this matter.

We have devoted some space to a review of this report because the concept of active citizenship provides a theoretical rationale for the contents of many of the items in both the questionnaire and focus group procedures. The human rights domain can be regarded as a special case of active civic engagement. From this perspective, the aim of the empirical procedures used in the present project is to find out how much young people know about the topic of civil rights, to what extent do they engage in activities that promote civil rights, and whether the value framework for their human rights behaviours is consistent with the ethos of tolerance for diversity which all major Australian political parties support.

The Adelaide Declaration

'The Future of Education in Australia' was the topic of the 6th National Conference of the Curriculum Corporation held in May 1999. Keynote speakers included the Commonwealth Minister for Education, Training and Youth Affairs, Dr David Kemp; and the NSW Director-General of Education and Training, Mr Ken Boston. One of the outcomes of the conference was what came to be known as The Adelaide Declaration on National Goals for Schooling in the Twenty-First Century.⁴⁵ According to the Declaration, the national goal of schooling is to 'develop fully the talents and capacities of all students.' This general statement was then followed by 15 specific objectives, some of which echo the 1994 Civics Expert Group report. They include the capacity to exercise judgement in matters of morality, ethics and social justice; to become active and informed citizens with an understanding and appreciation of Australia's system of government and civic life; to be free from the effects of negative discrimination based on sex, language, culture, ethnicity, religion, disability and socio-economic background; and to understand and acknowledge the value of cultural and linguistic diversity.

45 Curriculum Corporation.

National Discovering Democracy Forum

Many of the issues identified in the 1994 and 1999 reports were again raised at a more recent event, a two day conference organised on behalf of the Commonwealth Department of Education, Science and Training by the Australian Curriculum Studies Association. The formal title of the conference was the 2003 National Discovering Democracy Forum, and was held in Canberra in May 2003.⁴⁶ It was attended by speakers from Australia (including Dr Brendan Nelson, Minister for Education, Science and Training) as well as experts from the United Kingdom, the US and Hong Kong. Its emphasis was on what it means to be an Australian citizen in a global society, approaches to citizenship education, civic values and human rights.

Two of the 13 sessions were quite relevant to the present project. At a Round Table many of the international participants reflected on the problems associated with teaching values, responding to the Minister's views about the importance of values education in the development of young citizens. These included questions about whose values should be taught; that in a pluralist society some values are likely to be rejected by some people, which is another way of asking what values should be taught; and how knowing about values does not necessarily mean that people will act on them, even if they accept them to some extent. Attitudes do not necessarily lead to congruent behaviour, usually because there are barriers that prevent that from happening.

In a session titled Discovering Democracy and Civic Values, Dr John Hirst made a distinction between civics, or knowledge and understanding of the operations of government, with citizenship that in his view is to promote the values that underpin a democratic society. These remarks were made in the context of the earlier discussion regarding the difficulties of teaching values, the point being that civics as defined by Hirst should be a lot easier to teach than values. Professor Alan Reid suggested that it would be useful to consider in more detail some of the components of each construct. Taking this comment further, empirical evidence from psychology indicates that citizenship is not necessarily a trait that remains constant across different situations. Citizenship behaviour can occur in various contexts, including community, recreational, educational and occupational settings. However, people may be closely engaged with their local community but are poor corporate citizens.⁴⁷ How values are expressed is also very sensitive to the context in which the behaviour occurs. There is a large body of empirical evidence showing that individuals will give more favourable treatment to people whom they regard as being similar to themselves. The technical term for this tendency is in-group bias, and influences interpersonal relations along all the salient categories, such as ethnicity, religion, social status,

46 Commonwealth of Australia, 2003 National discovering democracy forum: Final report, Commonwealth of Australia, Canberra, June 2003.

47 S Bochner, 'Organisational culture and climate', in M O'Driscoll, P Taylor & T Kalliath (eds), *Organisational psychology in Australia and New Zealand*, Oxford University Press, Melbourne, 2003.

occupation, sexual orientation and age.⁴⁸ For instance, a person might have a strong sense of honesty and fairness, but this might not extend to dealings with members of a disliked out-group. In some parts of the world tourists are regularly ripped off by people who would not dream of cheating one of their own.⁴⁹ Bringing all this closer to home, in a multi-cultural society such as Australia a corollary of in-group bias may be an unequal recognition of the human rights of the various sub-cultures, with some of their members being discriminated against on the basis of their differences from the mainstream. These considerations provided a theoretical justification for the inclusion of some of the items in the questionnaire.

National Framework for Values Education in Australian Schools

Finally, in contemporary Australia, teaching values to young people is a topic of great interest to many people, and therefore also attracts the attentions of politicians. The problem is that, for the reasons mentioned in our earlier discussion, there is unlikely to be community consensus as to whose values should be taught, and the priority of different specific values. Consequently, official policy documents about values education resort to identifying broad goals but shy away from identifying specific values for inclusion in the curriculum. A very good example is a document produced by the Department of Education, Science and Training called National Framework for Values Education in Australian Schools.⁵⁰ The report states that the aim of education is not just to equip students with skills but also to build character; that values-based education can strengthen students' self esteem, social skills and personal fulfilment; show students how to exercise ethical judgement and social responsibility; and that parents expect schools to provide values-based education. The report then identifies what it says is a set of shared Australian values, centred on the principle of a 'fair go', and includes equality, freedom, the rule of law, and a commitment to a multicultural and environmentally sustainable society.

In terms of our earlier distinction between emic and etic levels of abstraction, these principles are still very much at the etic end of the dimension, that is, relatively content free. The report's authors recognised this problem, and provide a list of what they call Nine Values for Australian Schooling,⁵¹ with examples for each value. These are Care and Compassion (Care for self and others); Doing your Best (Seek to accomplish something worthy and admirable, try hard, pursue excellence); Fair Go (Pursue and protect the common good where all people are treated fairly for a just society); Freedom (Enjoy all the rights and privileges of Australian citizenship free from unnecessary interference or control and stand up for the rights of others); Honesty and Trustworthiness (Be honest, sincere and seek the truth);

48 Ward, Bochner & Furnham.

49 S Bochner (in press), 'Sojourners', in DL Sam & JW Berry (eds), *The Cambridge handbook of acculturation psychology*, Cambridge University Press, Cambridge.

50 Department of Education, Science and Training, *National Framework for Values Education in Australian Schools*, Commonwealth of Australia, Canberra, 2005.

51 *ibid.*, p. 4.

Integrity (Act in accordance with principles of moral and ethical conduct, ensure consistency between words and deeds); Respect (Treat others with consideration and regard, respect another person's point of view); Responsibility (Be accountable for one's own actions, resolve differences in constructive, non-violent and peaceful ways, contribute to society and to civic life, take care of the environment); and Understanding, Tolerance and Inclusion (Be aware of others and their cultures, accept diversity within a democratic society, being included and including others).

Although these concepts are more concrete than the principles from which they were derived, they still only provide general rules rather than specific directives for action. As well, the way in which these values are expressed is more likely to resonate with adults than young people, although presumably the teachers charged with running these courses may use a form of language that is more suitable for their audience. Nevertheless, in practice this means that there may be individual differences among the students in how these guidelines are interpreted, or for that matter, accepted.

We have devoted some space to a review of this document because it is likely that the students participating in the present project will have been exposed to some of this material at school. This would have affected their knowledge and understanding of human rights, and their attitudes toward human rights topics. Knowing what they have been taught will help in the interpretation of the data. Studies conducted world wide have found that schools and teachers are the primary source of information about civic and political processes, including political history, government functions, voting procedures; and at a more abstract level, the concept of democracy in those countries that are democratically governed.⁵²

Children's rights education in Canada

The United Nations Convention on the Rights of the Child requires all of its signatories to take measures to increase public awareness of children's rights, and 'to make the principles and provisions of the Convention widely known, by appropriate means, to adults and children alike.'⁵³ In Canada, as elsewhere, one means of achieving this has been through education by incorporating children's human rights into school curricula, as a way of making the students (and indirectly adults) aware of the Convention. Apart from meeting Canada's legal obligations, there is a widely held assumption that such programmes encourage the development of favourable human rights attitudes and behaviours among its young people. Researchers at the Children's Rights Center at the University College of Cape Breton conducted a number of studies to empirically confirm the hypothesised link between children's rights

52 J Torney-Purta & WK Richardson, 'Trust in government and civic engagement among adolescents in Australia, England, Greece, Norway, and the United States', paper presented at the Annual Meeting of the American Political Science Association, Boston, Massachusetts, 29 August-1 September 2001.

53 Multiculturalism and Citizenship Canada, Convention on the rights of the child, Minister of Supply and Services, Ottawa, Canada, 1991.

education programmes and increased support for such rights, including favourable attitudes towards cultural diversity.

For the purposes of their study, researchers Covell and Howe designed a civil rights curriculum to fit into and complement existing Grade 5 and 6 school health curricula in Nova Scotia.⁵⁴ 46 of the 52 Articles of the Convention were linked with the health curriculum. For each section, the relevant Articles were reviewed and supplemented with a number of corresponding activities, including art projects, word puzzles, charades, role playing exercises, mock trials, discussion topics and case studies. Meetings with teachers and parents were held to gain their cooperation and allay any concerns. Parents were provided with a handbook which contained basic information about the Convention, including key issues such as the relation between rights and responsibilities, and the need to resolve conflicts between different rights.

The curriculum was administered in seven classrooms to a total 177 children, aged between 11 and 12 years, technically called the experimental group. The participants were 94 males and 83 females, and 95% were of Caucasian origin. The effects of the curriculum were evaluated in terms of several measures including the knowledge the children had gained about their rights, and accepting minority children and those with disabilities. The same tests were administered to a group of demographically comparable children in classes that had not been exposed to the curriculum, technically called a control group. Any differences between the results of the experimental and control groups could then be attributed to the children's exposure to the curriculum.

The results confirmed some of the hypotheses. Pupils who received the curriculum ended up with a broader and more accurate knowledge of children's rights than students who were not exposed to the curriculum. They were also more accepting of ethnically different children. However, exposure to the curriculum had no significant effect on attitudes towards children with disabilities. We have reviewed this study in some detail, because investigations that have an experimental design, as this one does, are rare in this literature. The results can be interpreted as providing sound evidence for both the advantages and limitations of incorporating human rights topics into the primary school curriculum. It is unclear why the courses did not raise sympathy towards the disabled, but at least these results may prompt further research into the topic.

In a subsequent study, the authors conducted a study using the same method and procedure, but this time with older students.⁵⁵ They tested the assumption that adolescents who learn about their rights under the Convention would have a more accurate, adult-like understanding of rights and greater support for others' rights, than students who received the regular curriculum. The specially designed curriculum was centred on issues that were salient to 13 to 15 year-olds, such as runaways and street children, alcohol and drug

54 K Covell & RB Howe, 'The impact of children's rights education: A Canadian study', *The International Journal of Children's Rights*, Vol 7, pp. 171-183, 1999.

55 K Covell & RB Howe, 'Moral education through the 3Rs: rights, respect and responsibility', *Journal of Moral Education*, Vol 30, Number 1, pp. 29-41, 2001.

abuse, juvenile justice and sexuality. The study was conducted in 10 schools with Year 8 students. 89 students in five of the schools served as experimental participants, 96% of Caucasian origin. 91 students in the other five schools served as the control group, 99% of Caucasian origin. Measures included a self-esteem scale, a rights value scale with two sub-scales (support for adults' and children's rights respectively), which included the rights of ethnic minorities, native people, people with disabilities, and homosexuals.

The results supported most of the hypotheses. Compared to the control group, the adolescents who received the curriculum showed higher self-esteem, indicated more support for the rights of others, and had a more accurate understanding of the meaning of rights. However, there were no differences in acceptance levels for minority children. Consistent with many findings in the literature, females were more supportive than males of the rights of others. The authors conclude that rights education may have a broader effect in serving as an agent of moral education. They also make the point that although rights education has been shown to have an immediate impact, this does not mean that the effect will persist over time. Although they do not answer their question, the literature on attitude change and formation suggests that long-term stability in what they call the moral identity of the participants will depend on the social support they receive from a variety of sources, including their families, peer groups, their immediate community, as well as the wider political climate. For instance, Canada has an elaborate child protection system, consisting of civil and criminal legislation that authorises child protection agencies and family courts to intervene and care for abused or neglected children.⁵⁶

In a third study, Campbell and Covell repeated the experiment with undergraduate students at a Canadian university.⁵⁷ The experimental group (average age 21.9 years) consisted of students in a third-year university children's rights course, offered jointly by the Psychology and Political Science departments. The control group (average age 21.7 years) consisted of students in one fourth-year and two third-year university English classes. A pre-post test design was used, with the pre-test administered at the beginning of the semester, and the post-test during the final week of class. There was a time lapse of approximately three months between the two occasions. Measures included a 'perception of children as property' scale, in practice a questionnaire that measured the extent of support for children's rights to autonomy versus their parents' right of control and authority; knowledge about the rights accorded to children by the Convention; and the scale used in the previous study measuring support for the rights of children and adults.

56 RB Howe, 'Implementing children's rights in a federal state: The case of Canada's child protection system', *The International Journal of Children's Rights*, Vol 9, pp. 361-382, 2001.

57 KM Campbell & K Covell, 'Children's rights education at the university level: An effective means of promoting rights knowledge and rights-based attitudes', *The International Journal of Children's Rights*, Vol 9, pp. 123-135, 2001.

Compared to the English students (the control group), the group who received the children's rights education (the experimental group) showed a significant increase in their knowledge of and support for children's rights. They also showed a decrease in their support for the notion of children as parental property, and an increase in regarding children as independent bearers of rights. The authors draw the conclusion that it is feasible (and desirable) to teach adults about children's rights as specified by the Convention. But it should be noted that there is a structural problem in implementing such a scheme. In Australia, as in most similar societies, due to compulsory schooling, in theory all young people can be exposed to systematic human rights education programmes. By contrast, organised adult education is restricted to post-secondary institutions such as the universities and technical colleges, and attendance is voluntary. This limits the opportunities to deliver human rights courses to those adults who attend such institutions, which would exclude a significant proportion of the population.

Civil rights education in the United States

As part of a nationwide civil rights project,⁵⁸ the Diversity Assessment Questionnaire was administered to 379 senior high school students attending racially heterogeneous schools. The effects of cultural diversity in four areas were measured: student learning and peer interaction; citizenship and democratic principles; future educational aspirations; and perceptions of support for the school. Only a brief summary of some of the results will be presented, since human rights were not explicitly measured or discussed in the report. Nevertheless, the findings are of interest because they show the effect of inter-group contact on intercultural attitudes within a school setting.

Overall, students reported that racial issues were explored and discussed in social studies or history classes. The students also said that exposure in the curriculum to different cultures, and their cross-cultural interactions at school increased their understanding of different points of view. The students also reported that they were comfortable with such interactions, and would be willing to work with people from different ethnic backgrounds. Finally, the students reported that they received high levels of support from their teachers in exploring these issues. These findings show that the teachers were taking advantage of the racial composition of the schools as an important learning opportunity. They also suggest that as long as school curricula include topics broadly related to active and responsible citizenship, including a respect for minority and diverse groups and individuals, the students will get the gist of a human rights education without it being labelled as such. There may even be an advantage in integrating the topic of human rights with already familiar concepts such as civics and democracy.

58 The Civil Rights Project, *The impact of racial and ethnic diversity on educational outcomes: Cambridge, MA school district*, Harvard University, Cambridge, Massachusetts, 2002.

Human rights in New Zealand

The New Zealand Human Rights Commission recently released a report called *Race Relations in 2004*.⁵⁹ The title reflects one of the main concerns of the human rights movement in New Zealand. The report stresses that race relations affect the rights of all New Zealanders. 'Human rights are not some foreign imposition on our legal system, or a concept that relates mainly to abuses in other countries. They are about the fundamentals of a free and democratic society ... the rights and responsibilities of all citizens ... and mutually respectful relationships between them'.⁶⁰ This is a very good example of an emic approach to human rights and its advantages. It avoids the difficulties of transposing a set of values from one culture to another; it makes an abstract concept more concrete; and by concentrating on local community issues, it is likely to evoke greater public interest, involvement and remedial action than the problems of remote societies, no matter how awful these might be. The primary functions of the New Zealand Human Rights Commission are 'to advocate and promote respect for, and an understanding of, human rights in New Zealand society; and to encourage the maintenance and development of harmonious relations between individuals and among diverse groups in New Zealand society'.⁶¹ It also provides a dispute resolution service for people experiencing discrimination, including race, colour, and national or ethnic origin. As can be seen, these aims and functions are similar to those of its Australian counterpart.

The quite lengthy report consists of a comprehensive overview of the current status of human rights in New Zealand. It identifies a number of pressing issues, including the poverty and abuse of a significant number of children and young people; the barriers that prevent disabled people from fully participating in society; the vulnerability and abuse of those in detention and institutional care; and the entrenched economic and social inequalities that divide Maori and Pacific people from other New Zealanders. Some of these topics will sound familiar to Australian ears.

But it is not all doom and gloom. The report lists a number of areas in which New Zealand does well, particularly in race relations. New Zealanders place a high value on harmonious race relations, supported by a sound legal and political framework, as well as established procedures for dealing with grievances. Government programmes have been developed to reduce inequalities in access to health, education, and employment, and Te Reo Maori is recognised alongside English as an official language of New Zealand. Substantial resources have been invested in the protection and regeneration of Maori language and culture through the Maori Language Commission, various Maori educational institutions, and through support for Maori language broadcasting and artists and cultural practitioners. Cultural diversity is widely celebrated through local community festivals and events.

59 Human Rights Commission, *Race relations in 2004: Together we grow – Te ranga tahi*, Human Rights Commission – Te Kūhui Tika Tangata, Wellington, New Zealand, 2005.

60 *ibid.*, p. 3.

61 *ibid.*, p. 4.

And there has been a shift in immigration policy to permit greater entry of migrants from the Pacific, Asia and other non-traditional sources.

Nevertheless, racial discrimination, harassment and abuse continue to occur, particularly against Asian immigrants. Although the law provides for redress, there is reluctance by the victims to come forward and complain to the authorities, partly due to insufficient knowledge about how to do this, but also because of a lack of confidence that such complaints will be effective. And despite all the government initiatives, significant racial inequalities continue to exist in health, housing, employment, education, social services and justice, including a disproportionate rate of imprisonment of Maori. Finally, and of some interest for the present project, the report notes that there is no consistent framework for research, data collection and measurement to identify race-related issues and problems as a prerequisite to achieving racial equality and harmony. While there is considerable information available from the census, relevant administrative data are often not systematically collected, so that participation and access rates in employment, education and social services have to be estimated rather than based on actual calculations.

The bulk of the report consists of a detailed discussion of these topics, a review and evaluation of the policies, programmes and institutions that have been set up to reduce discrimination, and recommendations for future action. The report contains many tables that show the statistical distribution of a large number of discrimination indicators, such as perceived discrimination and racial harassment and abuse. There is detailed information about the ethnic composition of all significant institutions and social trends, including parliament, school boards, prison inmates, child abuse and neglect, road casualties, health and life expectancy, suicide, smoking, obesity, participation in early childhood education, educational attainment, adult literacy, participation in tertiary education, employment and unemployment, average earnings, workplace injury, satisfaction with work/life balance, housing affordability and crowding. We have summarised this information because it provides a set of concrete instances of human rights and discrimination at the grassroots level. The list will be useful in providing context for some of the results from the present project, because quite a few of the issues were raised by the participants in the open-ended sections of the survey as well as in the focus groups.

Among the recommendations for action is the need to increase awareness that human rights are important as the essential foundation of democracy and healthy community relations. However, the report does not specifically refer to civic education in schools as a means of achieving these objectives.

Children's perspectives on children's rights

The UN Convention on the Rights of the Child (CRC) has an Article saying that children should be allowed to participate in decisions affecting them, including the right to be consulted, and that their views should be taken into account. However, as Morrow has noted in her review of the relevant literature, the list of children's rights is usually generated by adults.⁶² Very few studies have explored children's views about their rights, despite the likelihood that young peoples' concepts of their rights may differ from those of older people. Morrow reviewed two large scale studies conducted in Britain that asked children what they think their rights should be, and the extent to which they tend to be included in the decision-making process. The participants were 730 children aged between 11 and 15, and 183 children aged between 8 and 14, respectively.

The results are very similar to the findings from both the focus group and attitude survey results of the present study. What clearly came through in the British studies was that children felt that their voices were seldom heard, and if heard, often discounted. In the first study most of the references were about their experiences in school. Children wanted to be respected and trusted, to be allowed to choose what to wear and what to eat, and wished that their teachers treated them as real people. Adults were seen as hypocrites 'who tell you off for something then do it themselves'.⁶³ The most frequent complaints were about the lack of autonomy and inclusion in decision-making, mostly about mundane, everyday issues. Other British studies, reviewed by Alderson come up with similar findings '... that school students want their rights to be respected in schools, that even young children are sceptical about the hope of democracy in schools and are critical of powerless school councils'.⁶⁴ However, it should be noted that the levels of scepticism and hopelessness that Alderson reported are more extreme than those found in the present study. Although many of the Australian students expressed anger at not being properly consulted, rather than making them withdraw it spurred them to greater efforts to strive for inclusion.

The second study by Morrow looked in more detail at the extent to which the children were 'being listened to' and 'had a say' in family, school and neighbourhood settings.⁶⁵ Many of the secondary school children knew about the CRC from civics courses they had taken. Quite a few of the children were of Pakistani origin, most of whom said that their parents made decisions on their behalf, and agreed that this was appropriate '... children should listen to their parents, that's good manners'.⁶⁶ This view was not shared by many of the mainstream participants, who were also much more voluble about not being 'listened to' by their parents. The gist of their comments was that they

62 Morrow.

63 *ibid.*, p. 155.

64 P Alderson, 'Human rights and democracy in schools: do they mean more than "picking up litter and not killing whales"?', *The International Journal of Children's Rights*, Vol 7, pp. 185-205, 1999, p. 199.

65 Morrow.

66 *ibid.*, p. 157.

wanted to have a say in decisions rather than make the decisions themselves. The cultural differences in attitudes between host-country and immigrant children mirror similar findings in the focus group and attitude survey results of the present study.

Morrow notes that when adults worry about children's rights, the argument centres on issues related to absolute decision-making. It is unusual to find a relative position in these discussions, yet that is what the children expressed. They want to have a say in, but not necessarily make the decisions themselves, and also accept that the extent of their inclusion will depend on the nature and complexity of the topics being decided. These findings too are reflected in the results of the present investigation, which like Morrow stands out as one of the few studies explicitly seeking the views of young people about their rights.

A selected review of Australian empirical studies using qualitative and quantitative measures of human rights-related knowledge, understanding and attitudes

One of the leading Australian researchers in this field is Lawrence J Saha, who is attached to the School of Social Sciences at the Australian National University in Canberra. He administered a survey questionnaire to 1311 senior secondary school students in South Australia and the Australian Capital Territory. This exercise produced a large amount of data, which provided the basis for a number of publications. Two of these articles are particularly relevant to the present project. The first is a study of political activism and civic education.⁶⁷ In a later study, Saha investigated the prosocial and political behaviour of the students.⁶⁸

In the first study, Saha used the concept of active citizenship as the organising principle. As indicated in an earlier section of this review, active citizens are individuals who fully participate in the everyday political life of their societies. In order to do this, they have to be politically knowledgeable, as well as inclined to take action, including dissenting from government decisions. They have to know their rights and duties, and possess the skills to effectively voice their opposition. These skills are not inherent in human nature but have to be learnt, optimally during a person's early formative years. But as Saha indicates, very little research has been conducted on the determinants of young people's political knowledge and activism. The research that has been done is mainly with university students, an older group whose attitudes to political activism would have been formed during their school years.

In summary, the main aim of Saha's studies is to explore the determinants of active citizenship. One way of making this idea more concrete is to contrast the person who is moved to some form of action with the citizen who remains

67 Saha.

68 LJ Saha, 'Prosocial behaviour and political culture among Australian secondary school students', *International Education Journal*, Vol 5, Number 1, pp. 9-25, 2004.

uninvolved and passive. A further distinction is usually made, between political activism that is consistent with the social rules and legal requirements of a particular society, and acts which violate these rules. Examples of the former include voting, writing letters to politicians, signing petitions, and taking part in peaceful protests and demonstrations. Examples of the latter include civil disobedience, violent demonstrations, occupying buildings, and causing damage. Saha believes, with some justification, that lawful forms of activity are more consistent with the concept of active citizenship than acts that are regarded by most people as legally and morally unacceptable.

The data for the first Saha study were collected in 1992, so the findings must be treated with some caution. Much has changed in the intervening years, including widespread access to the Internet by young people. On the other hand, cultures remain relatively stable over time, and it is unlikely that such a relatively short period would have brought about a significant modification in the beliefs and values being studied. In any case, we will be able to comment on the contemporary validity of the findings, because many of the items in Section 3 of the questionnaire were based on this study. As well, Saha's respondents were similar to those who participated in the present project. They consisted of Year 10, 11 and 12 students in 35 schools in Canberra, and Adelaide and Whyalla in South Australia. 73% attended government schools and 27% went to private schools.

The measures analysed in the study consisted of the degree of participation in nine types of political activity. They are being listed here in a descending order of incidence, with the frequency for each activity in brackets: Signing a petition (64.5%); Help collect signatures for a petition (27.4%); Taking part in a demonstration (19.7%); Writing or contacting a newspaper, TV or radio station (18.6%); Writing or contacting a politician (17%); Writing or contacting the Prime Minister (15.7%); Occupying buildings as a protest (5.7%); Damaging things as a protest (5.2%); and Using violence like fighting with the police (5%). Some clear trends are evident in these results. First, a relatively large number of students have engaged in some form of lawful political activity, with the most common actions consisting of petitions. Contacting the media and political leaders was the next most frequent form of action, and shows that quite a large minority of the respondents were active in this regard. Considering the age of the respondents, when you would expect sport and inter-personal relations to be the dominant pursuits, there is good support for the conclusion that on the whole young people in Australia have a reasonable interest in civic matters. The conclusion can also be drawn that this activism occurs predominantly within acceptable social and legal limits, with only a minority of the students resorting to violent or unlawful protests.

Next, Saha examined his data set to see if it could tell him why some students were active and others passive, and if there were any differences between lawful and unlawful activists. (The terms *peaceful* and *violent* are often used

interchangeably with *lawful* and *unlawful*). A detailed description of the rather complex analyses is beyond the scope of this review. However, the principles can be readily stated. The questionnaire contained a section in which the respondents provided personal details about themselves, and some general attitude measures. These responses were grouped into three clusters. The first consisted of the demographic characteristics and social background of the students, including their year of schooling, gender, parents' occupation and educational attainment, and parental interest in schooling. The second cluster consisted of measures associated with their experiences in school, including the amount of student interaction with their teachers, the extent to which the students liked school, and whether the subjects they took reflected an interest in civics. The third cluster consisted of measures of broad political attitudes, including trust in the government, interest in politics, and human rights values.

Once again, it is beyond the scope of this review to present the technical details of results of the analysis. However, the main conclusions can be summarised. Politically active students are more likely to have parents who are better educated, have a strong Australian identity, are female, have an interest in politics, have a positive attitude toward government, and show sympathy for social movements such as human rights for women and migrants. They also value democratic values such as the freedom to criticise government. These are also the characteristic associated with lawful political activism. Students endorsing unlawful protests are more likely to be male, do not like school and do not interact well with their teachers, do not support human rights for females and migrants, and do not trust the government. These students are poorly integrated into their communities and social institutions. Sociologists have a name for such alienation, calling it *anomie*, a concept attributed to Merton.⁶⁹ Saha's results are consistent with the extensive literature in this area.

Finally, Saha looked at why some students take little or no interest in politics. Several relatively clear trends emerged from this analysis. The first is that taking a civics subject in school is significantly related to how much students know about politics, the extent to which they talk and read about politicians and political issues. This relationship increases with the number of civics-related courses taken, and the data suggest that students either take a lot of these courses or none at all. These data point to the critical role that teachers play in fostering an active citizenship mindset. The second trend indicates that political knowledge is correlated only with lawful activism, that is, greater political knowledge does not lead to unlawful protests.

In a subsequent follow up study in 2004, Saha examined in more detail one type of political engagement, pro-social behaviour. This is the technical term used to describe acts intended to help other people such as volunteer and charity work, and various community services. To qualify for the label *pro-social* the work has to be unpaid, and freely engaged in by those who participate in it. It is morally motivated and driven by a sense of social responsibility.

69 R Merton, 'Social structure and anomie', *American Sociological Review*, Vol 3, pp. 672-682, 1938.

Defined in these terms, pro-social behaviour is a good empirical index of active citizenship.

Saha cites figures showing that about a third of all Australians engage in some form of volunteer work. Although most volunteers tend to be adult, a significant number of young people also pursue this type of community service, which can be either school-linked or take place outside of school hours. Research has suggested that the young benefit from volunteer work by developing a sense of engagement with the wider society, the very opposite of the *anomie* described by Merton.⁷⁰ Studies reviewed by Saha indicate that young people who engage in volunteer activities are more likely to become politically active in later life.

To shed light on some of these questions, Saha re-analysed his data to develop a measure of pro-social or volunteer activity. In the survey, the students were asked to list the extracurricular activities in which they were involved. The measure was based on the number of activities that were of a volunteer/pro-social nature. 14% of the respondents said that they had been involved in such work. Saha also created a measure which he called *Sense of Social Responsibility* based on questionnaire items that asked students whether they wanted to correct social inequality, and whether they found helping others to be satisfying. On a seven-point scale, 26% were 'very high' on the Social Responsibility dimension as indicated by a score of 6 or 7. He then conducted a number of analyses to examine the relationship between each of these two variables and the various components of active citizenship described in our review of Saha's earlier study.

The results are consistent with what the previous study found, and also with the wider literature. Participating in volunteer activity is positively related to political knowledge. Both volunteer activity and social responsibility values contributed to an increase in 'attention to politics' or 'political consciousness', the terms used to describe variables such as reading and talking politics with family and friends.

Activism was related to volunteerism. Saha speculates that the experience of engaging in voluntary activities makes students look outward toward the community, and to the development of political skills.

Of special relevance to the present project were the findings regarding the relationship between social responsibility and human rights attitudes, as measured by views about the rights of racial and ethnic groups, migrants and women. Volunteer activity did not contribute to a belief in human rights. This finding is counter-intuitive, but could be due to the types of activities provided as items in the questionnaire. However, having a strong sense of social responsibility is significantly correlated with a commitment to human rights. Girls were more committed than boys, as were students with better educated mothers, those who liked school more, interacted more with teachers, were better students as measured by their grades, trusted the government, and were not Australian born.

70 RG Niemi, MA Hepburn & C Chapman, 'Community service by high school students', *Political Behavior*, Vol 22, Number 1, pp. 45-69, 2000.

Taken together, the two Saha reports provide some sound suggestions about the likely defining characteristics of young people with a human rights mindset. These attributes fall into three broad categories: who they are, in other words their personal and demographic features; what they believe in, that is, their attitude and value systems; and how these beliefs affect their behaviour. The demographic classification is relatively straightforward, because the various measures tend to be overt, objective and explicit. The picture becomes more complex in the realm of attitudes, both with regard to their structure, as well as the complex relationship between attitudes and behaviour. Particular attitudes are not held in isolation, but form part of an integrated structure. As Secord and Backman pointed out forty years ago, 'an individual's entire personality structure ... may be thought of as organized around a central value system comprised of many related attitudes'.⁷¹ Another feature that contributes to the interconnectedness of attitude systems is the tendency of human beings to strive for consistency. The influential theory of cognitive dissonance⁷² is based on the assumption that if two cognitive elements are mutually dissonant, this sets up an aversive state which has to be reduced by rejecting the discordant attitude. In addition, attitudes tend to be functional, in the sense of being emotionally satisfying for the individual. This can range from justifying hostility against migrants because of a fear that their presence will have an adverse effect on the person's job prospects, to the more innocent satisfaction of holding attitudes similar to those of one's neighbours and friends. All of this means that individual attitudes are extremely resistant to change, particularly if they are core beliefs, because modifying one set of attitudes will upset the whole balance of the system. It is therefore not surprising that, empirically, individuals showing a commitment to human rights hold other attitudes and beliefs that are consistent with that orientation.

The consistency principle also suggests that our attitudes and beliefs should be consistent with our behaviour. However, it is not that simple. For instance, there is widespread acknowledgment that smoking and lung cancer are directly linked, yet a lot of people still smoke. There are various reasons why the stated intentions and values of persons may not correspond with their behaviour. Two conditions in particular have been extensively investigated.⁷³ The first is the effect of group pressure. Young people in particular are very much disposed to conform to the norms of the group whose membership they value. For instance, if smoking is regarded as an accepted practice in what is technically called a person's reference group, particularly if prominent members use tobacco, people reluctant to follow suit may find that it has adversely affected their social standing. So even if individuals privately acknowledge that inhaling tobacco smoke is 'dumb', they will nevertheless take up the practice as the price for being accepted by their peers. In the present context, the practical consequences of peer group influence relate

71 PF Secord & CW Backman, *Social psychology*, McGraw-Hill, New York, 1964, p. 99.

72 L Festinger, *A theory of cognitive dissonance*, Harper & Row, New York, 1957.

73 S Bochner, 'Unobtrusive methods in cross-cultural experimentation', in HC Triandis & JW Berry (eds), *Handbook of cross-cultural psychology: Methodology*, Vol 2, Allyn & Bacon, Boston, 1980.

to whether human rights activism is regarded as 'cool' by at least one of the student's reference groups. Still, that is not the end of the matter. If enough students feel sufficiently strongly that a commitment to human rights is desirable, they will form their own group with that value as its organising principle. However, if such students are very much a minority, they are likely to simply go along with the dominant ethos, irrespective of their personal feelings.

The second reason for a lack of correspondence between attitudes and behaviour is social desirability. This is a major problem in attitude measurement. Respondents may be reluctant to give an honest response if they believe that there is a socially correct answer to a particular question. For instance, most surveys of racist attitudes are seriously flawed, particularly if the questions are phrased in a transparent manner. Most people are aware that the authorities and opinion leaders consider holding and expressing racist attitudes unacceptable, immoral and in some cases illegal. It is highly unlikely that racially prejudiced individuals will be frank and open if asked about their racial opinions. That is why it is desirable when measuring attitudes towards socially sensitive topics, to include items that are behaviourally oriented. This is the reason why investigators such as Saha do not stop at asking whether their respondents are committed to human rights, but follow this up with questions about the degree of participation in activities that have a human rights component. The questionnaire designed for the present project explicitly recognized and tried to deal with the social desirability problem by including indirect measures of human rights knowledge and attitudes, as well as items that asked respondents to describe what, if anything, they did that could be construed as a human rights activity.

However, the behaviours that people engage in are not necessarily a truer indication of their 'real' attitudes than assertions about their feelings. The two examples in the previous paragraph make that clear. Young people who smoke in order to gain or retain membership in an admired group could be behaving under duress, in reality regarding the habit as disgusting. On the other hand, they may find smoking relaxing and pleasurable, in which case it would be a good indication of their attitude toward the habit. Inferring about 'real' opinions from what people do can be just as misleading as taking at face value what they say they will do. This does not seem to bother opinion pollsters, which is why they are so often wrong. Social psychologists take this problem much more seriously, and have grappled with it for a long time. At the risk of oversimplifying a very complex issue, the best estimate of a person's 'real' attitude depends on the consistency between the various components of the relevant belief/behaviour systems. In practice this means looking for congruence in three areas: consistency between verbal statements of intent regarding different but related issues; consistency between different overt behaviours that are conceptually linked; and consistency between the verbal and behavioural elements. This model guided the procedure developed for the present project. Ideally, behaviour should be measured directly, by systematically observing it under controlled conditions. This was not practical, so the next best approach was used, by including in the questionnaire items that asked the respondents to describe what they did. The term 'human rights' was not used in this context, because that would have made those sections

of the questionnaire too transparent. Nevertheless, the items all referred to behaviours that reflected the theoretical model guiding the project, in particular the hypothesised link between active citizenship and a human-rights mindset.

Finally, the accuracy of attitude surveys can be increased by using more than one method to collect the data, with independent samples in each of the technique conditions. The techniques have to be conceptually linked in the sense that they yield data that can be analysed using similar metrics and constructs. In the present project, this was achieved by using focus groups and questionnaires respectively, with two different groups of participants. In other words, participants either filled in a questionnaire or joined a focus group. If the two techniques produce similar data, the degree of cross-method consistency can be used as an index of the robustness of the results.

Summary and conclusion

The most sensible way to think about human rights is as a work in progress. The concept has been gradually evolving over the centuries, but not uniformly across the globe, with local variations evident in both the pace and direction of change.

This overview repeatedly drew attention to two broad trends. First, that the contemporary concept of human rights is very different from how the construct was understood when it first assumed a central place in ancient Greek philosophy. Second, that the contemporary concept of human rights owes much to the post-Second World War establishment of the United Nations, which produced the Universal Declaration of Human Rights in 1948. However, although the term 'Universal' features prominently in the title, there is much diversity in the way in which the principles enshrined in the Declaration's Articles are interpreted and translated into practice, both across and within national boundaries.

This overview covered both theoretical and empirical studies of human rights. The more theoretically oriented contributions were used to trace the evolution of the construct and to explain its uneven development. The empirical studies were used to illustrate how the construct is being operationally defined and measured, and the extent of experimental support for the theoretical concepts.

Overall, several general trends were identified, supported by an integration of the theoretical and empirical strands in the literature. A core idea was to acknowledge that what Rousseau called the social contract is not a fixed but a dynamic arrangement, in the sense that the mutual rights and obligations between citizens and their societies are in a constant state of flux. Over the years, there has been a gradual shift from protecting the rights of authority in the broadest sense, to defending the rights of individuals. This transfer of power has occurred in the context of changing political structures. The past two millennia have witnessed authoritarian, aristocratic, feudal, property-based regimes slowly turning into democratic, egalitarian meritocracies. The concept of human rights as it is used in the contemporary literature is part of that process, in drawing attention to the need to protect the rights of

individuals against the excessive or abusive exercise of power by authority in all its guises. These include not just government policies and practices, but also persons and groups in the private sector who are in positions of influence, such as employers, parents, and organised groups that assume the right to control the behaviour of members of the wider community.

However, such a conceptualising of human rights runs into problems both at the theoretical and empirical level. Theoretically, by its very nature the concept draws its meaning from and is dependent on democratic forms of government. But the world is not made up of a set of democratic states. Levels of citizen participation in government differ greatly among the 150 or so countries that together make up the United Nations. Forms of government range from absolute monarchies and harsh dictatorships through oligarchies and emerging democracies to robust social democratic systems. Only the latter countries provide a fertile ground for the concept of human rights as the first line of defence by individuals against excessive state control.

The contribution of cross-cultural psychology is to note that human groups vary along several value dimensions, of which the most relevant in the present context are individualism/collectivism and power distance, the latter referring to the extent to which both low and high ranking persons accept inequality in status. Members of societies with a core culture that is collectivist and high on power-distance, are less likely to be active in the protection of individual rights. Because of their culturally based deference to social status, they will seek to avoid defying the authority of the state and its established power structures. Differences in power-distance related behaviour are usually studied in the context of between-country comparisons, but increasingly variations in power-distance can now be observed within nations that are in the process of transforming themselves from mono-cultural to multi-cultural societies. This is particularly true of individualistic, egalitarian societies such as Australia, which now contain a substantial number of citizens who migrated from collectivist, authoritarian cultures. The views of these relative 'newcomers' regarding practices such as child rearing or gender equality may not be consistent with a strict definition of several of the human rights Articles, nor the beliefs of the mainstream majority. The literature contains numerous references to this problem, succinctly summarised by one author asking whose values we should teach and observe.

Societies do not remain static but evolve over time. In particular, as countries become increasingly prosperous and economically developed, levels of education rise and the middle class expands. Such demographic changes set up pressures for more democratic forms of government including a greater emphasis on the human rights of individual citizens. The literature shows a clear relationship between growing and more evenly distributed affluence on the one hand, and actual as distinct from in-principle support for human rights on the other. A good example is how the Articles referring to child labour are interpreted. In poorer societies where the value of children is primarily economic, the Western concept of a minimum age for working children is ignored, and often actively rejected as theoretically unsound and impractical.

Taken together, the comments made in the preceding section constitute another way of saying that the Universal Declaration of Human Rights is a work in progress. Although there is probably universal acceptance that its provisions are a worthwhile aim, many of the practices implied in the Articles are unlikely to be implemented in those countries currently lacking a supportive social, economic and political climate. However, research suggests that as nations become more economically developed, their human rights practices tend to move closer to the spirit of the Declaration. But even in those countries with robust democratic systems, the rights pendulum can swing back towards the state/public end of the spectrum, particularly in times of external threat. A current example is the debate in Australia and elsewhere about the legitimacy of curtailing the rights of individual citizens in the name of fighting the so-called 'war on terror'.

Australia as an economically developed country has enshrined in law many of the provisions of the Declaration, as well as the Convention on the Rights of the Child. One of the aims of this overview was to provide a wider context for the empirical research project investigating human-rights related knowledge, attitudes and behaviour of Australian youth. Consequently, the participants in many of the empirical investigations selected for review, were young people both in Australia and overseas; and most of the more conceptually-oriented studies were interested in determining how a human-rights mindset develops, and if and how human rights values can be taught to young people.

The topic of human rights is extremely complex. The various Articles and provisions listed in the Declaration and Convention tend to be interpreted idiosyncratically by different nations, cultures, and sub-cultures. As well, the concept itself is internally diverse in the sense that even broadly culturally similar individuals may rank the importance of the various Articles differently, usually due to variations in their demographic characteristics.

However, having said that, economically developed, individualistically oriented, egalitarian societies with social democratic governing systems are broadly in agreement about the core characteristics of human rights, how they should be protected, and how they can be taught. Australia, together with Great Britain, the USA, Canada, New Zealand, and many European societies all share many of the assumptions as well as the practices that define modern human rights. However, there are many countries, including nations that have ratified the Convention, where both human rights theory and practices differ from the Western position. This review has deliberately eschewed a judgemental approach, because imposing one's own views on other people and groups is itself a violation of a basic human right. This is a dilemma well recognised by many, but not all of the contributors to the literature.



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List of schools and other organisations participating in survey or focus groups

Airds High School, NSW
Alphington Grammar School, VIC
Bridgetown High School, WA
Caroline Chisholm Catholic College, VIC
De La Salle College, VIC
Frensham School, NSW
Genazzano College, VIC
Holroyd High School, NSW
Jamestown Community School, SA
Loyola College, VIC
Matthew Hogan School, NSW
Monte Sant' Angelo Mercy College, NSW
Mount Clear College, VIC
Nhulunbuy High School, NT
Port Augusta Secondary School, SA
Rostrevor College, SA
Siena College, VIC
Smith's Hill High School, NSW
St Brigid's College, WA
St Hilda's School, QLD
St John's College, SA
Taree High School, NSW
Telopea Park School, ACT
Trinity College North, SA
Tuggeranong Youth Centre, ACT
Wanniassa High School, ACT
Wollongong Youth Centre, NSW
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