



Part 2: Activities of National Human Rights Institutions

1. Please describe the mandate of your Commission for the protection and promotion of economic, social and cultural rights. What methods and approaches does your Commission use for the protection and promotion of human rights?

Human rights is defined under the *Human Rights and Equal Opportunity Commission Act* (HREOC Act) as being those rights recognised under the *International Covenant for Civil and Political Rights* (ICCPR), the *Convention for the Rights of the Child* (CROC), the *Declaration on the Rights of Mentally Retarded Persons*, the *Declaration on the Rights of Disabled Persons*, the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (the Declarations), and the *Convention on the Elimination of All Forms of Discrimination in Employment and Occupation* (CERD) (s 3 of the HREOC Act). These international instruments are also scheduled to or declared under the HREOC Act.

The rights recognised in the *International Covenant for Economic, Social and Cultural Rights* (ICESCR) are not included in the definition of the human rights under the HREOC Act and ICESCR is not scheduled to or declared under the HREOC Act. The HREOC Act does provide, however, that the Aboriginal and Torres Strait Islander Social Justice Commissioner must have regard to ICESCR in the performance of his functions (s 46C(4) of the HREOC Act).

Furthermore, HREOC notes that the ICCPR, CROC, CERD and the Declarations recognise rights that can be defined as economic, social and cultural rights. It follows that the HREOC's mandate does involve consideration of these rights.

HREOC uses a number of methods and approaches for protecting and promoting human rights (as defined in the HREOC Act) including:

- a) intervening in court proceedings that involve human rights issues (as permitted by s 11(o) of the HREOC Act;
- b) undertaking research projects and developing and disseminating educational materials on human rights;
- c) conducting public inquiries into and report to Parliament on human rights issues;
- d) investigating and conciliating complaints of unlawful discrimination;
- e) investigating human rights breaches or discrimination relating to equal opportunity in employment and, where complaints are not conciliable, report to Parliament; and
- f) HREOC Commissioners appearing as *amicus curiae* in proceedings relating to unlawful discrimination before the Federal Court and Federal Magistrates Court.

2. *Has your Commission received complaints from individuals or groups relating to the right to education? If so, please provide a breakdown of the different type of complaints and, where possible, describe some of the most important cases and the role of your Commission in resolving these complaints.*

The Commission can receive complaints regarding the right to education under each of the laws it administers - the RDA, SDA, DDA, ADA and HREOCA. Statistics for the number of complaints that raised issues in the area of education for 2003/04 and 2004/05 are below. Complaints can be lodged by individuals or groups who are aggrieved.

	SDA	RDA	DDA	ADA	HREOCA
	# %	# %	# %	# %	# %
2003/2004	8 1%	3 1%	90 10%	N/A	0
2004/2005	12 2%	6 2%	102 10%	2 1%	0

Complaints raise a diverse range of issues regarding access to education. HREOC investigates and where appropriate attempts to resolve complaints lodged under the laws it administers. Examples of some of the complaints in the area of education that have been resolved through conciliation are provided below and indicate the range of issues raised and the types of outcomes achieved through the conciliation process. Some of these conciliated matters are reported in HREOC's annual report and on its website. The examples below are drawn from complaints made under the *Disability Discrimination Act 1992* under which the majority of complaints relating to education are lodged.

Disability and access to primary school education

The complaint was made by parents on behalf of their son who has Autism Spectrum Disorder and other severe learning difficulties. The parents claimed that the government primary school their son attended was unwilling to act upon the requests of other professionals involved in their son's welfare and that his teacher failed to understand autism. The parents alleged that the school blocked their son's progress, made derogatory comments about him and did not fully carry out the requirements of his Individual Education Plan.

The respondent school claimed that the Principal had meet numerous times with the complainants and that they were often reacting to a version of what their son thought

had happened at school. The respondent claimed it provided reasonable accommodation for the complainants' son, which included participation in a social skills group, development of a special speech program and provision of extra support from an aid who worked in his classroom.

The complaint was resolved through a conciliation process. The parents agreed to withdraw the complaint on the basis that the school would provide them with a statement of regret and \$500 in acknowledgement of the difficulties they experienced during the previous school year. It was also agreed that if the complainants' son is assessed as requiring ongoing integration support he will receive this and the school will be provided with \$2 000 for speech therapy for him for the next two and a half years.

Inclusion in primary school

Parents complained on behalf of their daughter, aged 7, who has an intellectual disability and Autism Spectrum Disorder, that she was discriminated against when she commenced attendance in Grade 1 at the local primary school. They claimed the school failed to provide her with reasonable accommodation for her disability in the means it employed to prepare and present the curriculum to her, by limiting her attendance to two hours a day, and by applying the school discipline policy to her when she exhibited adverse behavioural manifestations of her disability. They claimed the class teacher showed little interest or skill in including her in the general class activities, that she was sent home "at the whim of" the teacher, and that the principal suggested she be moved to a special school. They also complained that they were discriminated against as associates of a person with a disability by being treated less favourably by the school than it treats other parents by being requested to attend frequent meetings, to come and supervise their daughter in the playground and to be no more than 5 minutes away at all times. They removed her from the school after six weeks.

The respondent education authority claimed that efforts were made to ascertain L's particular needs so that it could prepare an individual program for her to assist her to access educational services in a way which was appropriate to her needs to accommodate her disability. It advised that it made sure it included the parents in meetings to discuss the program it was preparing to accommodate her disabilities. She was approved for disability support funding to provide an integration aide and occupational therapy and speech therapy services. It advised that the class teacher had provided detailed planning and resources for the girl and that her teachers received additional support from the Guidance Officer and an educational psychologist. It advised that the girl was still in the settling-in stage in starting a new school and denied it had discriminated against her by failing to provide reasonable accommodation for her disabilities.

A conciliation conference was conducted. The matter settled following post-conference negotiations by the provision of a written apology, provision of a computer to assist the girl's learning in the classroom at her new school, specialized equipment and educational programs for prepared for her, an assurance that the department would

provide her with reasonable accommodation for her disability throughout her primary school years, and a sum of \$5,000 in financial compensation for the stress and anxiety that the parents claimed they had experienced.

Disability and access to secondary education

The complainant lodged the complaint on behalf of her son, who has dyslexia. The complainant advised that her son has been enrolled in the respondent school since kindergarten and was now in Year 11. The complainant claimed that while the school was aware of her son's difficulty with reading and writing and his need for adjustments, the school failed to make textbooks, classroom handouts and teacher notes available in an accessible format and in a timely manner. The complainant alleged that the failure to provide these adjustments adversely affected her son's performance and this, in turn, prevented him from being selected as a school prefect.

In response to the complaint the school claimed that efforts had been made to have the student's needs assessed by independent experts but the student's parents had not cooperated with that process and agreement could not be reached over the best way to provide adjustment for the student's disability. The school claimed that processes put in place to provide adjustments were not adhered to by the student and that the student's parents preferred that individual teachers did not speak to the student about his disability or adjustments, making it difficult to assess the need for adjustments in particular classes and activities. The school also referred to difficulties with the number and manner of the requests for adjustments which made it difficult to coordinate responses in a timely manner.

The parties agreed to try and resolve the complaint. The complaint was settled on the basis of an agreement that the school would implement a plan to provide reasonable adjustments for the student and support for his teachers. The school also agreed to provide information to the school community about its anti-discrimination policy and associated complaint process and about how students with disabilities can seek reasonable adjustments. Additionally, the school agreed to allow the student to undertake his final year of schooling over a two-year period with fees for that year apportioned over two-years, to provide disability awareness training for staff, to allow the student to be made a prefect after following the usual school procedures and to refund educational expenses of \$15 000.

Hepatitis C discrimination in tertiary education

A woman who is hepatitis C positive complained that she had been discriminated against in her pathology course. One element of the course involved students taking blood samples from each other. She was willing and able to take blood but asked that other students not take blood from her to avoid health risks. She claimed that as a result she was excluded from core components of the course. The complaint was settled with an apology, payment of \$7000 compensation, and an agreement to have staff trained in issues regarding blood borne diseases.

3. *Has your Commission conducted research and/or public inquiries on the issue of the right to education? If so, please provide the results of this research and the outcomes and recommendations of any public inquiries.*

The Commission has not directly conducted research or held a public inquiry on the right to education in Australia. The Commission has conducted public inquiries on the right to education in Australia in two specific contexts: the right to education of children in immigration detention centres; and the right to education of children living in rural and remote areas. The result of these inquiries and associated recommendations are discussed below.

INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION (2004)

Education for Children in Immigrations Detention

The National Inquiry into Children in Immigration Detention was conducted between 2001 and 2003, with a final report being released in 2004. One aspect of the Inquiry was to examine the provision of education to children in detention, compare it to the provision of education to similar children living in the Australian community, and determine whether the education that was being provided to children in detention met with Australia's international human rights obligations.

The provision of education to children in detention changed considerably over the period of the Inquiry. At the announcement of the Inquiry in November 2001, most of the approximately 700 children in detention were being educated in internal detention centre schools. By the end of 2002, approximately half of the children in detention were accessing external education, with approximately 80 per cent in external schools by mid-2003.

Documents from the Department of Immigration and Multicultural and Indigenous Affairs (the Department or DIMIA) and its services provider, Australasian Correctional Management Pty Limited (ACM), as well as evidence from former detention centre teachers and detainees all suggested that there were serious barriers to the provision of an adequate education inside detention centres.

However, external education significantly improved the education received by detainee children. It is unfortunate it took until late 2002 before it was available to the majority of children.

This inquiry addressed the following general questions:

1. What are children's rights regarding the provision of education in immigration detention?
2. What policies were in place regarding education for children in detention?

3. What education is provided to similar children in Australian schools?
4. What education was provided in internal detention centre schools?
5. What external education was provided to children in detention?

A full response to these questions and other associated education issues can be found in Chapter 12 *Education for Children in Immigration Detention* of the final report (available at:

http://www.humanrights.gov.au/human_rights/children_detention_report/report/chap12.htm)

In summary, the evidence before the Inquiry demonstrated that the Commonwealth failed to take all appropriate measures to provide children in immigration detention with an adequate education over the period of the Inquiry and had therefore breached the Convention of the Rights of the Child (CRC).

While there were significant variations in the amount and quality of education provided in different detention centres at different times, the education available to children at on-site schools always fell significantly short of the level of education provided to children with similar needs in the Australian community. Despite the significant efforts of teachers, the Inquiry found that there were fundamental weaknesses in the on-site schools over the period of the Inquiry.

- No curriculum to suit the needs and capacities of children in immigration detention. This was especially the case for children above the compulsory age of education. Until late 2002 there was no systematic attempt to adopt the State curricula available and apply them within the English as a Second Language (ESL) framework.
- Insufficient infrastructure, curriculum resources, and teachers to support an appropriate education program for the numbers of children in detention.
- Inadequate hours of schooling. Contact hours were often well below the standard school day.
- Inadequate educational assessments and insufficient reporting of children's educational progress.
- No teachers with ESL qualifications in certain centres at certain points in time. Detainees without teaching qualifications were sometimes used to make up the shortfall in qualified teachers. A high turnover of teachers also impacted on the quality of teaching.
- The inadequacy of on-site education combined with increasing depression in long-term detainees resulted in low attendance levels at on-site schools at certain points in time.

Many of these problems were substantially addressed when, in mid 2002, the Department arranged for increasing numbers of children in immigration detention to go to local schools. However, not all children were eligible to attend external schools and

the fact that children had to return to detention centres every day prevented them from taking full advantage of the external educational experience. It is unacceptable that it took ten years of mandatory detention before the Department began negotiating MOUs with State education authorities regarding routine access by children in immigration detention to external schools.

Major findings of the Inquiry

The Inquiry made the following major findings in relation to Australia's mandatory immigration detention system as it applied to children who arrived in Australia without a visa (unauthorised arrivals) over the period 1999-2002. Finding 3(d) relates specifically to education.

1. Australia's immigration detention laws, as administered by the Commonwealth, and applied to unauthorised arrival children, create a detention system that is fundamentally inconsistent with the Convention on the Rights of the Child (CRC).

In particular, Australia's mandatory detention system fails to ensure that:

- (a) detention is a measure of last resort, for the shortest appropriate period of time and subject to effective independent review (CRC, article 37(b), (d))
 - (b) the best interests of the child are a primary consideration in all actions concerning children (CRC, article 3(1))
 - (c) children are treated with humanity and respect for their inherent dignity (CRC, article 37(c))
 - (d) children seeking asylum receive appropriate assistance (CRC, article 22(1)) to enjoy, 'to the maximum extent possible' their right to development (CRC, article 6(2)) and their right to live in 'an environment which fosters the health, self-respect and dignity' of children in order to ensure recovery from past torture and trauma (CRC, article 39).
2. Children in immigration detention for long periods of time are at high risk of serious mental harm. The Commonwealth's failure to implement the repeated recommendations by mental health professionals that certain children be removed from the detention environment with their parents, amounted to cruel, inhumane and degrading treatment of those children in detention (CRC, article 37(a) – Chapter 9).
 3. At various times between 1999 and 2002, children in immigration detention were not in a position to fully enjoy the following rights:
 - (a) the right to be protected from all forms of physical or mental violence (CRC, article 19(1) – Chapter 8)
 - (b) the right to enjoy the highest attainable standard of physical and mental health (CRC, article 24(1) – Chapters 9, 10)

- (c) the right of children with disabilities to ‘enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community’ (CRC, article 23(1) - Chapter 11)
- (d) the right to an appropriate education on the basis of equal opportunity (CRC, article 28(1) – Chapter 12)
- (e) the right of unaccompanied children to receive special protection and assistance to ensure the enjoyment of all rights under the CRC (CRC, article 20(1) – Chapters 6, 7, 14).

Recommendations of the Inquiry

The Inquiry made the following general recommendations

1. Children in immigration detention centres and residential housing projects as at the date of the tabling of this report should be released with their parents, as soon as possible, but no later than four weeks after tabling.

The Minister and the Department of Immigration and Multicultural and Indigenous Affairs (the Department) can effect this recommendation within the current legislative framework by one of the following methods:

- (a) transfer into the community (home-based detention)
- (b) the exercise of Ministerial discretion to grant humanitarian visas pursuant to section 417 of the Migration Act 1958 (Cth) (the Migration Act)
- (c) the grant of bridging visas (appropriate reporting conditions may be imposed).

If one or more parents are assessed to be a high security risk, the Department should seek the urgent advice of the relevant child protection authorities regarding the best interests of the child and implement that advice.

2. Australia’s immigration detention laws should be amended, as a matter of urgency, to comply with the Convention on the Rights of the Child.

In particular, the new laws should incorporate the following minimum features:

- (a) There should be a presumption against the detention of children for immigration purposes.
- (b) A court or independent tribunal should assess whether there is a need to detain children for immigration purposes within 72 hours of any initial detention (for example for the purposes of health, identity or security checks).
- (c) There should be prompt and periodic review by a court of the legality of continuing detention of children for immigration purposes.
- (d) All courts and independent tribunals should be guided by the following principles:

- (i) detention of children must be a measure of last resort and for the shortest appropriate period of time
- (ii) the best interests of the child must be a primary consideration
- (iii) the preservation of family unity
- (iv) special protection and assistance for unaccompanied children.

(e) Bridging visa regulations for unauthorised arrivals should be amended so as to provide a readily available mechanism for the release of children and their parents.

3. An independent guardian should be appointed for unaccompanied children and they should receive appropriate support.
4. Minimum standards of treatment for children in immigration detention should be codified in legislation.
5. There should be a review of the impact on children of legislation that creates 'excised offshore places' and the 'Pacific Solution'.

INQUIRY IN TO RURAL AND REMOTE EDUCATION (2000)

The National Inquiry into Rural and Remote Education was initiated by the Human Rights and Equal Opportunity Commission in February 1999. The Commission's 1998 *Bush Talks* consultations on the human rights concerns of regional, rural and remote Australians had revealed that access to education of an appropriate standard and quality was a significant concern in rural and remote areas.

The inquiry investigated the provision of education for children in rural and remote Australia with reference to

- the availability and accessibility of both primary and secondary schooling
- the quality of educational services, including technological support services
- whether the education available to children with disabilities, Indigenous children and children from diverse cultural, religious and linguistic backgrounds complies with their human rights.

The Inquiry published four main reports, the two most relevant of which are: *Emerging Themes* and *Recommendations*. All four reports are available on the Inquiry website at: http://www.humanrights.gov.au/human_rights/rural_education/index.html

Emerging Themes summarises the major themes, issues and concerns arising in the Inquiry. It concludes with an overview of the human rights provisions relevant to rural and remote school education. This is the first report of the Inquiry.

Recommendations sets out the findings of the inquiry and its recommendations. There are 73 recommendations in total. The findings and recommendations are organised by reference to the five necessary features of school education: it must be available,

accessible, affordable, acceptable and adaptable (Chapters 5-9 inclusive). The report makes the adoption of these five features by all education policy and provision in Australia its first recommendation (Chapter 3 sets out what each requires). Chapter 4 sets out the necessary policy parameters for the implementation of all the inquiry recommendations. These include the need for cross-sectoral and inter-agency collaborations, a new funding framework for rural and remote education and other strategies.

4. *To what extent has your Commission identified laws / policies / practices in your country that impact on the realisation of the right to education?*

The relevant laws/policies/practices are referred to in the response to Part 1 of this questionnaire.

5. *Has your Commission conducted awareness and education campaigns relating to the right to education? If so, please provide information about these campaigns, identify the individuals or groups who have been trained and estimate how many people have been trained.*

The Commission has promoted reports and conducted awareness campaigns about the right to education for people with disability, indigenous Australians, children in immigration detention, etc through its website, the media, mailing lists and promotion by Commissioners through speeches and media engagement. It does not conduct training programs.

6. *Please provide information about your Commission's general human rights education activities, including: materials used, information produced and how these activities have been made accessible to the community.*

Information about the Commission's education program can be found at http://www.humanrights.gov.au/info_for_teachers/index.html

In response to the high demand from teachers and students, the Commission has developed a range of human rights education modules specifically for use in upper primary and secondary schools. These modules are all linked to the curriculum of each state and territory education system.

They have been developed in consultation with education experts to ensure that they are relevant to young people and to the contemporary pedagogy of the Australian classroom.

Philosophy

The philosophy that guides the Commission's approach to human rights education is based on a critical methodology which balances the learning needs of students with the curriculum requirements of relevant subject areas.

The modules that make up the human rights education program draw students into real-life situations relevant to their own experiences, which can then be explored in the context of Australian and international law.

Such programs have the capacity to develop values of respect and tolerance and encourage young people to consider ways in which they can take an active role to address intolerance and discrimination in the communities in which they live.

Human rights education is promoted through three dimensions of educational components:

- a. Knowledge: provision of information about human rights and mechanisms for their protection;
- b. Values, beliefs and attitudes: development of values, beliefs and attitudes, which uphold human rights; and
- c. Action: encouragement to take action to defend human rights and prevent human rights abuses.

Content

Each human rights education module developed by the Commission 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 the Commission'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, Civics and Citizenship);
- English;
- The Arts.

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

Resources

The Commission has developed a range of human rights education resources, which focus on issues included in the Commission's area of statutory responsibility. These include:

- Youth Challenge program 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 Workforce 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 the Commission's Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. It gives students the opportunity to research issues and engage in debate in an informed way.
- Face the Facts: Questions and Answers about Refugees, Migrants and Indigenous People
- This education module provides teaching notes, student activities and worksheets, plus a range of recommended online resources and further reading, to research, analyse and debate the issues facing different groups in Australian society.
- 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. It includes a fact sheet, a case study, teaching notes, structured activities and a student interview with the Commissioner.

In addition, the Commission's website features links to a comprehensive collection of national and international human rights education resources.

Electronic mailing lists

The Commission maintains on-going communication with teachers and education bodies through an electronic mailing list.

Delivery

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

The Commission also advertises in teacher magazines and other education press to let teachers know about the resources. The Commission sends CD Rom's and other hard copy education materials to all schools together with order forms. All of these resources are provided free of charge.

In addition, the Commission has experience in co-ordinating 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. Over 90% of all participants rated the program as either 'very good' or 'excellent'. This program was converted into the online education resource and now forms part of the Youth Challenge module.

Information for Students webpage

This page has been redeveloped and was launched in 2005.

It provides students with 'plain English' information about international and domestic human rights issues. It has a Q&A Section and links to a wide range of resources to assist students to research and find answers to questions they may have in relation to their rights and responsibilities. It can be found at www.humanrights.gov.au/info_for_students

Human Rights Explained

This is an online resource for tertiary students. It was first published in 1998 and remains one of the Commission's most accessed sections.

Usage of Online Education Resources

The Commission's online human rights education resources are widely used by educators, both nationally and internationally. During 2004-05 the resources received 688,752 pageviews.

7. Has your Commission addressed the issue of the right to education in its annual reports? If so, please provide a copy of the relevant sections

In its 2004-05 Annual report, the Commission referred to its work on the right to education in relation to people with disability. The relevant sections are on page 103:

Access to education materials

The Commission has continued to promote progress in removing barriers to information access caused by copyright regimes and practices, and for developments in technology to be used to enable the production of information in accessible formats. The Copyright and Publishing Roundtable, which the Commission established in 2003, produced a useful consolidation of information relating to copyright and print disability. This work has stimulated a further research project to develop guidelines for publishers, producers of accessible-format material and consumers, covering all aspects of the interface between copyright and print disability. The project is being funded by the Copyright Agency Limited and the Commission has had significant input into the information being gathered. At the time of writing, draft guidelines on copyright and print disability were under discussion between copyright administrators, producers of accessible-format materials and consumers.

And also on page 107:

Education

Amendments to the DDA associated with the draft Disability Standards for Education were passed on 9 February 2005. The amendments addressed a drafting error in the original legislation, by making clear that issues of unjustifiable hardship in providing equal access in particular cases can be considered at all stages, rather than only at enrolment and admission. The amendments also confirmed that Standards under the Act can provide for positive measures to provide equal opportunity for students with disabilities and to prevent harassment.

Following this, Disability Standards for Education were tabled for approval on 17 March 2005. The Commission is aware of some remaining community concerns about aspects of the Standards, but has publicly supported them entering into force as soon as possible in view of the lengthy process to date. It is the Commission's view that on balance the Standards will contribute positively to equality in educational opportunities and that concerns can be addressed through appropriate guidance material, and if necessary through subsequent fine tuning amendments (as done with the Disability Standards for Accessible Public Transport).

These amendments and standards came into effect in August 2005.

The Commission's Annual report also refers to its own role in providing education programs that relate to human rights issues specifically, but also refers to Australia's consistent support of human rights education.

Relevant section of the 2004-05 Annual report begins on page 19:

Chapter 2: Human rights education and promotion

A central function of the Human Rights and Equal Opportunity Commission is to undertake education programs that increase public awareness and generate discussion of human rights and anti-discrimination issues within Australia.

The Commission's legislative responsibilities are:

1. To promote an understanding and acceptance of, and compliance with, the relevant Act:

Human Rights and Equal Opportunity Commission Act section 11(1)(g) Racial Discrimination Act section 20(1)(b) Sex Discrimination Act section 48(1)(d) Disability Discrimination Act section 67(1) (g) Age Discrimination Act section 53(aa).

2. To undertake research and education programs for the purpose of promoting the objects of the relevant Act:

Human Rights and Equal Opportunity Commission Act section 11(1)(h) Racial Discrimination Act section 20(1)(c) Sex Discrimination Act section 48(1)(e) Disability Discrimination Act section 67(1)(h) Age Discrimination Act section 53(ac).

Human rights education is also an international obligation which Australia has consistently supported. In the earliest international articulation of universal human rights, the Universal Declaration of Human Rights, the General Assembly proclaimed:

every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect of these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.

All work undertaken by the Commission has a human rights educative base, from the handling of individual complaints of discrimination or harassment to the conduct of National Inquiries which involve important human right issues, such as the detention of children in immigration detention.

Education and communications strategy

The Commission uses a range of strategies to communicate its key human rights messages to the community including:

- Regular media engagement by the President and Commissioners with metropolitan, regional and specialist press, radio and television outlets.

- The Commissioners and staff holding consultations with a range of peak bodies, community groups, NGOs, parliamentarians, business and industry groups, academics and government officers.
- The development of an extensive and accessible website which provides human rights education materials for individuals, students, teachers, employers, government and community groups.
- Curriculum-linked human rights education materials for teachers and students.
- Preparation and distribution of plain English publications on human rights and discrimination.
- Organisation of promotional events such as the annual Human Rights Awards.

8. *Has your Commission intervened in court proceedings on an issue related to the realisation of the right to education? If so, please provide details of the cases, the role of the Commission and the outcomes of the cases. Please provide copies of any submissions and court decisions*

HREOC has not intervened in court proceedings on an issue related to the realisation of the right to education.

9. *If your government has ratified any of the international human rights conventions listed below, has your Commission been approached by the government to contribute to the periodic reports to the relevant Committees, or alternatively, has your Commission provided a shadow report to the relevant Committees? If so, please provide copies of the sections relevant to the issue of the right to education.*
- *Universal Declaration of Human Rights;*
 - *International Covenant on Economic, Social and Cultural Rights;*
 - *International Convention on the Elimination of All Forms of Racial Discrimination;*
 - *Convention on the Elimination of All Forms of Discrimination Against Women;*
 - *Convention on the Rights of the Child*
 - *Convention Against Discrimination in Education;*
 - *Minimum Age Convention 1973*
 - *Worst Forms of Child Labour Convention 1999*

HREOC does not provide shadow reports to the relevant committees.

HREOC is consulted by the Government in relation to periodic reports but on the basis that it is up to the Government whether it incorporates HREOC's comments in to the report or not . HREOC is not at liberty to provide the comments that it has provided the Government in relation to periodic reports.

10. Does your Commission work in collaboration with civil society including the private sector, government or United Nations agencies or multilateral donors such as the World Bank, the International Monetary Fund and the Asian Development Bank on the issue of the right to education? If so, in what way?

The Commission has provided support to the UN World Program for Human Rights Education, especially in relation to the Plan of Action (2005-2007). The Commission has offered to provide assistance to the Australian Government in its implementation of the Plan of Action.

This is the end of the questionnaire. Thank you for taking the time to respond.

