

THE VICTORIAN FOUNDATION FOR SURVIVORS OF TORTURE INC

TAKING ACTION

HUMAN RIGHTS AND REFUGEE ISSUES TEACHING RESOURCE

FOREWORD

The Hon Justice Michael Kirby AC CMG*

This teaching resource offers help to those who have the responsibility of educating young Australians about the actual world into which they have been born. It is a world full of beauty and riches, of excitement and scientific advancement. But it is also a world of suffering, of desperation, of prejudice and of hatred.

The year 2005 opened with the terrible dislocation occasioned by the unexpected Tsunami that caused death and destruction to the north of Australia, sweeping into its flood people and property and leaving a trail of devastation in its wake. Fortunately, the international community responded spontaneously. Australia, its government and people, gave generously. The event touched a deep chord of understanding.

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2.

Australians could empathise with those who had suffered. They gave generously.

Sadly, it is not always so. Sustaining a general loving concern for other human beings in their various predicaments of life seems difficult to achieve over the long haul. Thus, the epidemic of HIV/AIDS continues to take a huge toll on humanity - particularly in sub-Saharan Africa. Keeping up interest in this endemic is much more difficult. Many feel that they cannot identify with people living with HIV and AIDS, although such people are also human beings caught in a vortex, usually by chance. Millions of them bear unimaginable burdens.

So it also is with the great waves of refugees who move across the face of our planet seeking sanctuary and a better life - away from the home of their nationality. For many of them, Australia is a sparkling magnet. It seems to offer the hope and opportunities of a prosperous and tolerant country, with a multicultural society: a microcosm of the variety of the human family, a place to dream of.

However, in every land, including Australia, refugees can sometimes encounter fear and suspicion. People who live in islands, in particular, seem to have a special anxiety about those who come from across the seas. A century ago and for a long time, Australians reflected such anxieties in the laws and policies of White Australia. Although those laws and policies have now been abandoned or reformed, Australians continue sometimes to be insular. There are those who,

3.

having reached the promised land, seem anxious to close the gates and pull up the draw-bridge.

However, Australia is a land ruled by law. It has one of the oldest living constitutions in the world. Its Parliament has made laws to govern the treatment of people who claim protection as refugees. Those laws accept, and implement, the obligations imposed by international law under the Refugees' Convention of 1951. Decisions are not made merely on political or bureaucratic whim. They are made by reference to rules laid down by international and local law. Those rules are upheld by officials, tribunals and the courts, including the High Court of Australia. Many cases concerning the treatment of refugees have come, in recent years, to the High Court. Such cases are decided by independent judges who apply the law.

Yet this is just the tip of the iceberg. Most instances never come to a court. Even people who are granted refugee status are not at the end of their difficulties. They have to make a new home in a land usually with a different culture, language, religion and traditions. The way we treat, and view, refugees is a test for our fidelity to the principles of universal human rights and for Australian attitudes of tolerance, acceptance and a "fair go".

It is difficult to change deep-seated attitudes of fear and suspicion towards the stranger. Such attitudes commonly begin at the earliest moment when human beings interact with each other - in the home and

in the infants school. It is in early years that attitudes of prejudice develop and are inculcated. Unless they are corrected then, by an appeal to human reason and love, the likelihood is that prejudice and loathing will become entrenched. It may sometimes be hidden and disguised. But basically it will remain with the person for the rest of their life. It has taken more than thirty years to remove the prejudice of White Australia from the attitudes of Australian people. Yet even today some of the feelings of fear and suspicion towards newcomers of different racial and ethnic backgrounds surface. That is why teaching human rights and learning about refugee issues in Australia is so important. It is why I welcome this resource book.

When I was in fourth class at the North Strathfield Public School in Sydney, my teacher, Mr Casimir, handed out to us a little pamphlet. It had been printed with the lovely insignia of the then newly created United Nations. It contained the *Universal Declaration of Human Rights*. A committee, chaired by Mrs Eleanor Roosevelt, had drafted this Declaration. It had been adopted in December 1948.

Back in those post-War years, classrooms of Australian schoolchildren studied the new Declaration. We learned of the horrible war, just concluded, and why it was necessary to respect and protect human rights and fundamental freedoms. Teaching us about such notions had a profound effect. Those of my generation began to question the ideas of imperial superiority and of racial purity. We began to lose our fear of difference in others. This process is continuing. I have

always been attentive to it because, soon after, I found that I was myself a member of a sexual minority. Respect for human rights promised respect for my own individuality. It taught me to accept and uphold the individuality of other people.

The lessons of my teachers are still alive in my heart and spirit. They had a great effect on my life and values. I hope that this resource will help bring similar insights to today's children. Pity is offensive. Tolerance is a condescending notion. Acceptance of diversity should be our goal. Many, who have suffered discrimination, and have been forced to seek refuge, have been tortured and have undergone deprivations unimaginable to most Australians.

I therefore applaud the initiative of the Victorian Foundation for Survivors of Torture Inc in producing this teaching resource. I hope that it achieves its goal of fostering harmonious relationships and social connections between new arrivals and the wider Australian community. Years hence, I do not doubt that those who learn from it will remember this resource with the same affection and gratitude as I recall the efforts of my teachers, my family and my fellow students in years now long past but still vivid in memory.

High Court of Australia
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