

**HUMAN RIGHTS AND SOCIAL JUSTICE
IN AUSTRALIAN SOCIETY***

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I. INTRODUCTION

Australia is a multicultural nation possessing a veritable thirst for knowledge about the lives and experiences of peoples the world over. Part of this development rests on learning and accepting the differences of all peoples as contributing to making the world a safer and more colourful and interesting place. It is so easy to become infected with entrenched intolerance, detachment, and a lack of respect for those of a different background. The result is disturbing when this happens, not only in missing out on a culturally rich diversity of education and knowledge, but also because it encourages conflict and confrontation, pain and suffering, and loss of life consequently.

Many of the world's troubles would be avoided if the global humanity that binds everyone was acknowledged by all. Regardless of diversities people are equal in their basic wish for peace, liberty and happiness. Although no one likes to experience war, oppression, torture and other violations of basic human rights, suffering is allowed to occur and continue in so many regions of the world, and those who dare ask for assistance are often shunned and misunderstood. The nature of people and the societies in which they live dictate that there will always be differences of views and interests. Yet the only sensible and intelligent way of resolving conflicts, whether between individuals or nations, is through communication and cooperation. The promotion of a culture of understanding and non-violence is surely crucial for the future of humankind. It is not enough for governments and their citizens to

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endorse, even revere, the principle of peaceful co-existence without any appropriate action to promote and protect it.

No doubt there are obstacles in the pursuit of these goals. However, if one remains passive or becomes aggressive and makes no effort to solve the problems, conflicts will arise and hindrances to understanding will grow. Transforming these obstacles into opportunities for positive growth is a challenge to human ingenuity. To achieve this result requires patience, compassion and commonsense, elements of the human psyche that are remarkably uncommon today. The vision must be to ensure that all the vivacious colours of multiculturalism survive and flourish the world over, not only for the present but for the benefit of future generations too.

II. HUMAN RIGHTS AND SOCIAL JUSTICE

Social justice is a theme that runs through and affects everyone every day. Developing awareness in the young of what the concept is should begin early, in education, and learning institutions such as universities should institute specific social justice programs as a matter of policy.¹ In Australia and elsewhere, universities represent microcosms of entire societies comprised of colourful cultural, religious, ethnic and linguistic diversity. The needs and expectations of such differing backgrounds can never be wholly aligned, but it is possible to mix and match – in other words, to compromise. Boundaries need resetting to delineate acceptable behaviour that is judged by collective, not individual, standards. In order to achieve that compromise, there must be awareness of the similarities and differences between “us” and “them”.

The last 60 years have witnessed several amazing technological developments and some remarkable co-operative humanitarian efforts by the international community. On the other hand, we have had to endure nuclear confrontation threatening the very existence of the world, the Cold and several hot wars, massive poverty, hunger and disease, and too many other threats to the peace and tranquility promised to humankind in the wake of the Nazi and later the Soviet

¹ For example, the formalisation of this policy by the University of Western Sydney resulted in the Social Justice Committee being created there at the end of 2002.

threats to a decent world. Thus the present generation has been bestowed with some great benefits and opportunities but also a swag of major problems to solve. We must today contemplate these stark and quite alarming new challenges that will test the ingenuity of present and future generations and their commitment to meet and overcome them.

Let me set all this within a historical context. Just over 54 years ago, a war-ravaged and a war-weary world ushered in a new international order with what was called the Universal Declaration of Human Rights. It was a bold and brilliant document full of words, phrases and concepts that everyone wanted to hear. It spoke of recognising the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. It observed that disregard and contempt for human rights had resulted in barbarous acts that had outraged the conscience of mankind. It called for the advent of a world in which human beings were to enjoy freedom of speech and belief, and freedom from fear and want, the highest aspiration of the common people. It declared as essential that human rights should be protected by the rule of law.

As a result, a common standard of achievement was declared for all people and all nations. Every individual and every organ of every society had to strive by education to promote respect for these rights and freedoms and to work to secure their universal recognition and effective observance. It was too late to save the 35 million civilians in Europe and Russia who had died as the innocent victims of the power-hungry half crazed lunatics of the Third Reich and their sympathisers, including six million Jews and hundreds of thousands of Roma (gypsies), non-Aryans, Catholics, communists, social democrats, homosexuals and humanitarian sympathisers – among them 1.5 million children – who were subjected to the rifles, the preposterous death camps and the Zyklon B Gas of the SS and the Einsatzgruppen.

The atrocities of the Nazi era and the horrors and devastation of World War II compelled the international community to unite in a vow to create a world free of war, persecution and injustice and never again to allow such horrors to darken the lives of humankind. And on 10 December 1948, the General Assembly of the newly created United

Nations, under the chairmanship of an Australian, proclaimed this extraordinary declaration of humanitarian principles.

The pen was almost still writing the Universal Declaration when the Iron Curtain descended on Europe. Behind this almost impenetrable barrier for another 40 years, the so-called workers' revolution against the evils of capitalist materialism held sway. Under the guise of establishing an egalitarian proletariat, Soviet and Eastern European communism constructed a secret society of repression, fear, inhumanity, and nuclear might. They built the monstrous Berlin Wall, attempted to blockade and perhaps obliterate the United States by carpeting Cuba with nuclear missiles, and armed ruthless regimes oppressing their own peoples, from North Korea to Angola, from the Middle East to South America. They paralysed the United Nations with their infamous veto and built an environmental legacy from which to this very day hundreds, perhaps thousands, die every year just by breathing the air and drinking the water.

In response, the western world built armies, armaments and armadas of ships, planes, bombs and rockets. Amongst other places, we fought in Korea, Indo China and the Persian Gulf, as it turned out, for very elusive results. We ignored and not infrequently funded ruthless dictators even when they butchered their own people because they were seen as "friends" of the West or at least anti-communist. Yet when the Polish Solidarity Movement and then Mikhail Gorbachev brought the communist house of cards crashing down, and the tragic followers of the evil Saddam Hussein gave up their unequal struggle in the first Gulf War twelve years ago, we cried out victory.

III. THE NEW INTERNATIONAL ORDER

Forty years after the first 'new world order' was virtually stillborn, the second new world order of this era was born. There was no Universal Declaration Mark 2. Society had done such a good job ignoring the first version that there was no point in trying another exercise in grandiloquence. The world had come a long way in that 40 years – colour television, people on the moon, space research and travel, fantastic medical advances prolonging life and alleviating suffering, the end of colonialism, the 1964 Civil Rights Act of the United States and progress for Aborigines. There was also a human rights charter for

Canada, the United Kingdom and New Zealand, leaving Australia as the only nation in the western industrialised world without one.

While all this was happening, the tyranny of bureaucracy, the politics of the unprincipled or negligent – even of the dishonest – and the effects of massive national debt brought about in part by bad government were overwhelming people. Millions became beset by famine, poverty and persecution by new warlords. The Allies spent US\$150 billion in the first Gulf War to oust Saddam Hussein from Kuwait without removing the evil man himself or achieving even a skerrick of democracy in Kuwait where women still cannot own a driver's licence, let alone vote. Meanwhile, Saddam was allowed to murder, starve and freeze to death thousands of his Kurdish and Shiite citizens. Indeed, he was actually allowed to remain in power until recently, meanwhile continuing to oppress his own people and commit murderous mischief and mayhem.

The international community failed dismally in Somalia. The warnings about Rwanda were ignored and United Nations personnel were withdrawn allowing thousands more to die. Although safe havens were established in Bosnia, those supposedly protected were uprooted forcibly and shot mercilessly. Massacres in Algeria and elsewhere were largely ignored and little was done to assuage or reverse the suppression of the Burmese and Tibetans. For four decades, Australia virtually embraced the ruthless autocrat President Soeharto and his voracious family in priority to helping the Indonesian poor and seeking justice for the East Timorese. While a global economic order now outstrips the Bible and the Koran as the guiding faith of today's world, the remoteness of global human rights reform is, sadly, truly great.

There is no sign that at last economic equity and social equanimity are about to supplant the essentially selfish and aggressive pursuits of most nations. There is not even a whisper of a world united in its commitment, as opposed to its rhetoric, to redirecting its abundant skills and resources towards taking up the real challenges facing humankind. The challenges include alleviating hunger and disease; confronting, exposing and overcoming exploitation and corruption; removing torture and cruelty; attacking prejudice and discrimination; and addressing constructively the human imbalances and inequities that abound everywhere.

IV. AUSTRALIA TODAY

For most of the last 54 years since the Universal Declaration of Human Rights, Australia has been a leader in implementing the humanitarian standards it identifies. As a middle power with a respected human rights record, we have been looked to and listened to by the international community on human rights issues. This proud tradition of support for human rights and dignity casts upon us a great responsibility. As the largest developed democracy in the region and the sixth oldest democracy in the world, not only do we have an obligation to speak out and act against persecution running rampant in other countries, we also have an obligation to prevent and remedy human rights abuses on our own soil. Further, the standards we should observe are those we set for ourselves, not alien credos that we loudly, and rightly, reject.

(a) A Fair Go for All

The driving force for the enthusiastic adoption of these inspiring principles of human behaviour in Australian terms is the evolution of this nation into a society where laws, employment and human relations reflect decency and honour; where legitimate controversy is fought and resolved with a passion devoid of stereotypes including minority, group or racial defamation; where a fair sharing of our nation's resources and benefits is open to every sector of the community; and perhaps above all, where decisions of all kinds stem from considerations of merit and true desserts, free from preconceptions, prejudices and prejudgments.

However, we Australians today seem to be in serious danger of forgetting these goals. Continuing to recall and nominally respect human decency is one thing. It is quite another to ensure that our governments and people actually honour these concepts. And as of late however, our commitment is looking decidedly hollow and the world is taking notice. At present, Australian society represents a mixed bag of the good, the bad and the positively ugly. Whilst we can be justly proud of, amongst other things, our scientific, technical, manufacturing and sporting triumphs, our recent treatment of asylum seekers and our continuing neglect of the indigenous population, of children, of women (especially those in poor circumstances), and of people with disabilities

requires us to examine and prise open our consciences as both the substance and direction of this nation and its people are being questioned.

Surely the present generation has a responsibility to ensure that Australia is, and continues to be known as, a champion of honourable and humanitarian conduct. However, because we appear as a nation not to be questioning our societal constructs today, we are at best wandering aimlessly, permitting our development to be steered in many directions, not all of them desirable. Of all the failings – and there are many – there can surely be no doubt that the continuing sufferings of Indigenous Australians are our most grievous and long-standing shame. And the deprivations endured by the children are the very worst aspect of that shame.

It is not my purpose here to attempt to analyse and expose the dishonourable story of Aboriginal dispossession and discrimination. It will suffice to say that despite advances in some fields in some parts of the country, Australia's Indigenous peoples still face gross inequality deeply rooted in history and in prejudiced, intolerant and stubborn attitudes. Of course Aborigines have their faults and weaknesses, like everyone. But the fact remains that whichever social indicator is looked at, whether it is health, education, justice, employment or housing, Indigenous Australians are identified as the most disadvantaged group. This situation represents a manifest and fundamental breach of Australian and international law.

In short, Indigenous Australians continue to be denied the very equal opportunity to a fair chance in life that we Australians like to call a 'fair go' for all. Although Australia is a wonderful nation – perhaps the best in the world – and Australians are generally a kind and generous people, we are just not as good as we say or think we are. Indeed, while this situation persists, we are engaged in an empty untruthful boast about our allegedly superior standards. The things we are still doing to, and not doing for, our Aborigines should not be happening. The things done in the past should not have happened. Together, they are human wrongs, not for blame in the crude sense, but for the deepest regret and for a commitment to put them right as a matter of the utmost urgency. If they represent what some have called a black armband view of history, I for one wear the armband as a mark of sorrow and as a

commitment to reconciliation. Rather a black armband than a white blindfold to shut out the truth.

(b) *Asylum Seekers*

Much untruth and misrepresentation have also been written and said about Australia's recent and current treatment of people seeking asylum, refuge and rescue in this nation. For one thing, no one has ever suggested that anyone and everyone who wants to come here should be allowed to do so. Of course countries have to regulate their population and migration numbers. No one has ever suggested that anyone but we Australians should determine who should be allowed to join what is one of the great multicultural societies of the world. Yet, I am shocked that this kind and generous society, living in almost unparalleled comfort and tranquility, is prepared to allow its hard-won reputation for compassion to be demolished at a stroke.

I am dismayed that so many Australians (including so many who should and do know better) have been willing to inject into their everyday language of kindness terms such as "illegal migrants", when asylum seekers are neither illegal nor migrants. It is disgraceful that so many of our number have been prepared to accuse people seeking rescue from torture and terror, or to allow them to be labeled as "queue jumpers", when the very concept of queues of people escaping with their own and their terrified children's lives only has to be thought about for a minute to be revealed as a canard of gross order. Why has the term "people smuggling" become a means of punishing the innocent helpless victims for the sins of their avaricious and unscrupulous exploiters? Why have we allowed ourselves to substitute a manicured term such as "mandatory detention" for what is in reality the compulsory permanent or long term jailing of children, women and elderly people in appalling conditions of cruelty and inhumanity without crime, charge, bail or trial?

Above all, there is nothing more urgent and more fundamental to our own consciences and peace of mind than to deliberately and consciously deflect the racial overtones flowing from the asylum seeker debate, now reinvigorated by the wars in Afghanistan and Iraq and the death and suffering of the victims. It is a tough ask to try to deal with fanatical martyr-driven hatred that intentionally seeks to kill

children and innocent civilians. Among other problems is the ignorance of each civilization of the other. There is not even a common language of communication readily available. Ways simply must be found to get the Muslim communities in Australia and everywhere to share the rich and beautiful elements of their beliefs and practices, instead of the ugly and insane manifestations of the few amongst them who do not wish to live in peace with the rest of society with all its faults and inadequacies.

(c) Leadership

Finally, a word on leadership. This is not a time for amateurs and armchair observers to be peddling their theories and parading their prejudices. Now is a time for the leaders of all persuasions to actually lead in what is and will be a sophisticated and difficult undertaking. The portents are not good. For this is the first recorded time when the leaders across the board have refused to inform and educate the people with the facts.

When trade unions and others objected to Chinese labourers being brought to Australia to help find gold in the late nineteenth century, the leaders told the people what had to be done. When 83 per cent of Australians told an opinion poll in 1947 that they were against allowing Jewish survivors of the Nazi Holocaust to be admitted to Australia, the leaders told the people what was right – even if they partly gave in to the pressures by limiting the number of Jewish passengers on each boat to 25 per cent of the total, thereby leaving many of them to rot in Europe while they desperately looked elsewhere for somewhere to go. When people objected to workers coming here from Yugoslavia and other parts of southern Europe in the early 1950s to help build the Snowy Mountains Hydro Electric Scheme to enhance the prosperity of Australians, the leaders said what the national interest demanded. When more than 60 per cent of people voted in a 1973 opinion poll to reject refugees from Vietnam, Laos and Cambodia, the leaders decided what the national duty was.

Where are the leaders in Australia today who will carry out their similar responsibilities in relation to those seeking acceptance and understanding? When will the leaders of both major political groupings decide to lead, not follow, the prejudices and ignorance of those who do not want to know the truth or are embarrassed by it? Where are the

voices and votes of leaders who would refuse to contemplate paying for our soldiers to fight in Iraq unless there is equal funding for Australian humanitarian workers to help rebuild the shattered lives of war victims?

Australians want, and deserve, leaders committed to one simple saintly goal – a noble nation that upholds human dignity for itself and bestows human dignity on everyone in it.

V. CONCLUSION

Human rights are, as their most famous declaration says, universal. They are for all of humankind. No one person is more of a human being than another. A truly humane nation treats all vulnerable people, whatever their ethnic, racial and cultural origins, with dignity, sensitivity and respect, and caters for their physical, emotional and welfare needs.

It is time for attitudinal change across the board in Australia and the older generations must lead by example. Australians seem to be no longer cherishing the principles that they have so enthusiastically promised to uphold for their children and children everywhere. In the process, they are forsaking who they are and what they stand for. They must take a step back and remember why they made those promises and what they need to do to keep them. After all, if the children are the future and they are dying, there is no future.¹ Nelson Mandela said during his last visit to Australia:²

One of the most difficult things to do is not so much to change society as to change ourselves.

This change will not just happen. It is up to society as a whole to make it happen. Our leaders must be made to realise that it takes a stronger

¹ Per Mary Phiri, editor of a monthly newsletter for teenagers in Zambia, quoted in Higgins and anor, "Violence and young people's security", 2003 in <www.iyp.oxfam.org/campaign/documents%5Cyouth_commission_report%5Cviolence_Young_Peoples_Security.pdf> (visited January 2004).

² Interview with Raphael Epstein on ABC Radio, "Nelson Mandela calls for Australian Reconciliation", AM Archive, 4 September 2000 at <www.abc.net.au/am/s171075.htm> (visited January 2004).

nation to admit its errors and to learn from them, than to pretend that nothing went wrong in the first place. They must reject inhumanity and lose racism, which have sometimes driven the nation's policies and reactions in difficult areas. There should be a quiet but unflinching determination to reach out to those who ask for help and to those who need help, and to treat them and their pleas and needs in exactly the same way as Australians would ask, and expect, for themselves in the same situation.

This is a fight for rediscovery of this nation's soul. We dare not fail. In my opinion, there is not a moment to lose.