

Human rights for children and young people in Australian curricula

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Abstract:

Australia is a signatory to United Nations legislation that requires state parties to educate children and young people about human rights, through human rights and for human rights. To assess how Australian curricula address human rights education, evidence of key civil, political, social and cultural rights relevant to children's lives was sought through curricula analysis of the Early Years Learning Framework for Australia and the Australian Curriculum (Foundation to Year 10). References to 'rights' were searched for and surrounding content read for relevance and implications. Illustrative quotes from the curricula documents were analysed for inferences pertaining to prioritisation and interpretation of civil, political, social and cultural rights and to how children and young people are positioned as rights holders and claimers in education in Australia. Significant discrepancies were found between the Early Years Learning Framework and the Australian Curriculum, conveying incongruent messages to children as to how, when and where they can be rights holders and claimers, along with signalling wide gaps in rights education. Propositions are thus offered for how continuity in education about, through and for human rights could be sustained from the early years and then throughout schooling.

At the World conference on Human Rights in Vienna in 1993 it was noted that since adoption of the Universal Declaration of Human Rights by the United Nations (UN), very little had been achieved in promoting human rights education (HRE) and so the UN declared 1995-2004 the Decade of Human Rights Education. The value of HRE was defined as “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace” (World Conference on Human Rights, 1993, p. 25). From evaluations and studies completed in the HRE decade, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) developed the *World Programme for human rights education* in which the first phase (UNESCO, 2006) highlighted member states’ key actions for HRE in primary and secondary school systems, and explicitly listed “include human rights education in the curriculum” (p. 39) for member states “to strive towards gradually and progressively” (p. 37). To further incite international imperatives for HRE the UN General Assembly adopted the Declaration on Human Rights Education and Training in 2011. The declaration stipulates access to HRE and training as a fundamental right in all levels and forms of education, from preschool to university. It also highlights three key dimensions of HRE:

- education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms of their protection;
- education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect the rights of others (Article 2, United Nations General Assembly, 2011).

This article assesses how Australia has responded to these international imperatives for HRE and in particular how HRE is addressed in Australian curricula, within the recent opportunity to create national curricula.

Australian context pertaining to human rights in education

Firstly, it is important to note that Australia ratified the UN Convention of the Rights of the Child (CRC) in December 1990, in which Article 42 states that governments should make the convention known to all parents and children. Compulsory schooling offers an avenue to promote the convention to most Australian children. As a signatory to the CRC, Australia is obliged to honour the articles of the convention under international law (Tobin, 2013). However, under Australian law an international treaty is not enforceable unless it has been incorporated into domestic law, yet there has been no attempt to comprehensively import the CRC into Australian law (Tobin, 2013).

In response to the UN imperatives for HRE, Australia established a key body on HRE and conducted several assessments of HRE in Australian curricula. Australia acted reasonably promptly in establishing a National Committee on Human Rights Education in 1998. Yet the Australian Federal Government only put forward a meagre allocation of \$10,000 seed funding, producing a reliance on donations and the devotion of human rights organisations to enact the planned actions. In 1999, the committee established the Australian Council for Human Rights Education to actively pursue HRE in Australia. The council's key strategy to promote knowledge, understanding, awareness and capacity pertaining to human rights is the Citizen for Humanity project that was launched in 2002. This project provides lesson plans, and teaching resources for HRE in schools. However, the project available for voluntarily adoption, so uptake in schools has been minimal. As Burrridge, Buchanan and Chokiewicz (2014) found in their study of HRE in

Australia “learning about human rights issues often depends on the interests and commitment of individual teachers” (p.19).

The idea that ‘if HRE is embedded in curricula, then uptake of HRE will increase’ has seen multiple assessments of Australian curricula for evidence of HRE. In 1999 the National Committee on Human Rights Education identified that “It is clear that neither national nor state human rights curricula exist which comprehensively and systematically address human rights education in schools” (National Committee on Human Rights Education, 1999, 2.3 Gaps In Australia's System of Human Rights Education, para 3). And so the committee called for urgent attention to organising the implementation of HRE through establishing the Australian Council for Human Rights Education. Nearly 10 years later, Hill (2008) assessed that implementation of HRE by Australian educational authorities was still unnoticeable.

The creation of the first national curriculum (started in 2009) for Australia provided the possibility for national cohesion and implementation of HRE: it could be explicitly and intentionally written into the national curriculum to be mandated nationwide. Human rights organisations and committees, advocates, academics, teachers and interested citizens contributed responses to draft shaping documents and draft curricula available publically for consultation. There was active interest and input. Exemplified by the following declaration by the Attorney General, The Hon. Robert McClelland MP:

I am currently working with the Education Minister Julia Gillard, to ensure that human rights education is promoted in Australia. And to that end, ensure it forms part of the civics and citizenship curriculum for students of all age groups in each State and Territory. (Australian Council for Human Rights Education, 2010).

The Australian Human Rights Commission proactively instigated nationwide consultation through the release of the *Human rights education in the national school curriculum* position paper that proposed what HRE would look like if integrated into the curriculum as a general capability, as a cross-curricula priority and embedded in a learning area (the example given was Geography). These examples are indicative of the significant energy and input provided to the curriculum writers to support the inclusion of HRE in Australian curricula. The proceeding examination of Australian curricula from Foundation to Year 10 highlights to what extent the opportunity to embed HRE into Australian Curricula has been embraced.

Curricula analysis questions

Examination of HRE in Australian curricula discussed in this article is part of an international research collaboration with Sweden (led by Ann Quennerstedt, Orebro University and funded by Swedish Research Council) and England (led by Carol Robinson, University of Brighton) investigating the role and responsibility of early childhood settings and schools in educating children and young people as holders and claimers of human rights. The initial phase of the research partnership is comparative document analyses of national curricula in three nations. The specific aim of the curricula analyses is to investigate and clarify ways in which education for human rights is communicated within national curricula, and how children and young people's growth as holders and claimers of human rights is addressed. The following research questions informed the national curricula analyses:

- What elements of rights are expressed in the curricula?
- How are human rights for children and young people presented as relevant to preschool and school?

- How are the children and young people constructed as a rights holders and claimers?

The process of document analysis, as guided by Rapley (2007), began with content analysis by searching for frequency of reference to 'rights', then examining each reference for degree of relevance to HRE and significance (that is, potential for greater influence on implementation of curricula, such as an overarching aim, goal, principle or outcome as opposed to an example in an elaboration) in contribution to the goals of education about, through and for human rights (as noted in Article 2 of the Declaration on Human Rights Education and Training). The content of references to human rights were analysed for their focus and omissions. This involved multiple readings and re-readings of key relevant Australian curricula documents, alongside cross-checks with peripheral curricula documents, that is, the *Melbourne Declaration on Educational Goals for Young Australians* (Ministerial Council on Education Employment Training and Youth Affairs, 2008), and *The Shape of the Australian Curriculum* (Australian Curriculum Assessment and Reporting Authority, 2010).

Theoretical framing

The following assessment of HRE in Australian curricula identifies reference to specific civil, political and social and cultural rights, as opposed to broadly assessing reference to human rights. By identifying specific references to teaching civil, political and social and cultural rights, emphases and gaps of particular rights illuminated interpretations of how children and young people are constructed as rights holders and claimers.

Informed by theorisation about children and childhood produced by leading sociology of childhood theorists and researchers (for example, James & James, 2004; James, Jencks, & Prout, 1998; Mayall, 2001), this curricula analysis is framed by a view of children as competent and knowledgeable members of society today. Children and childhood are

understood not as separate from society and politics, but rather as a political phenomenon. Such understandings of children and childhood highlight children's positions in societal power structures and adults' perceptions of and relations to children that provide important insights in the analysis.

A central perspective of rights in this curricula analysis is that children's rights are included in human rights; that is, the same rights are seen to apply to children as to adults, within an understanding of the life conditions of children and young people. The general human rights vocabulary of civil, political and social and cultural rights -defined in Marshall's (1950) theorisation of citizenship rights- is employed to support the agenda of children's human rights (Starkey & Osler, 2010). Quennerstedt (2010) argues that the popularly used children's categories of 'provision rights', 'protection rights' and 'participation rights' diminish rights claims by children, and that using another set of words for children's rights separates those rights from human rights -further accentuating the socially constructed demarcation between childhood and adulthood. What are often referred to as provision and protection categories of children's rights are in fact social rights and are largely supported by the 'caretaker thesis' (Archard, 1993, p. 77). Such a thesis claims that children are not capable of making rational autonomous decisions and that caretakers should make decisions for them. Whereas the commonly-referred-to participation category comprising of civil and political rights (advocated for by child liberationists) has been accepted and supported less than the provision and protection categories. For example, Article 12 particularly emphasises children's participation through voice by assuring children's right to express their views freely in all matters that affect them. Freeman (1994) argues that this article is the "linchpin" (p. 319) of the CRC. However, there is typically a significant gap between Article 12 and what actually happens in educational practice (see Lundy, 2007). Article 12 challenges

conceptions of children as passive subjects (to be seen and not heard), thus troubling many adult practices of controlling children's lives. A child rights approach or human rights approach views children as active subjects "with capacity, insight and evolving autonomy" (Tobin, 2013, p. 280). Acknowledging children as possessing political, social, and civic rights, provides a stronger claim for children as human rights holders than what is defined in the UN Convention of the Rights of the Child. Modernist assumptions have positioned children as one of the most subjugated groups of today (Perez, 2013), so reconceptualisation of children and childhood is necessary to welcome children as human rights holders to be heard and be active decision makers in matters that affect their lives.

In addition, though the term human rights is widely used, many express uncertainty or ambiguity about its meaning, as teachers noted in the Burrige et al. (2013) Attorney General's Department funded study. The sub-categorisation of human rights as civil, political and social rights is an effort to seek clarity and specification in HRE implementation in curricula. Many HRE studies (for example, Tibbitts, 2002; Tibbitts & Kirschsclaeger, 2010) typically speak to human rights as one broad category. By identifying the inclusion of specific rights, this curricula analysis aims to provide clarity: with strengths and gaps guiding a focus for future directions of action to address HRE in Australia.

Based on these ideas about rights as relevant to children and multiple deliberative conversations with co-researchers (Ann Quennerstedt and Carol Robinson), as well as reviews of UN international rights instruments, the following civil, political and social and cultural rights were selected as being potentially the most relevant rights for children and young people in education settings to identify their presence in Australian, Swedish and English curricula. These rights were identified as central in

supporting children and young people to learn about, through and for human rights. Reference was made to Universal Declaration of Human Rights (UDHR) (United Nations General Assembly, 1948), the International Covenant of Civil and Political Rights (ICCPR) (United Nations General Assembly, 1966a), the International Covenant of Economic, Social and Cultural rights (ICESCR) (United Nations General Assembly, 1966b), and the Convention on the Rights of the Child (CRC) (United Nations General Assembly, 1989) to collate core civil, political and social rights. For civil rights, the following were identified as core: right to life and development, right to equal value and non-discrimination, right to freedom of opinion, and the right to freedom of thought, conscience and religion. The rights to freedom of expression, and the right to take part in the conduct of affairs were identified as core political rights. The social right to education was of course deemed relevant to curricula. And in acknowledgment of the cultural diversity of Australia's population, the presence in Australian curricula of the social right to enjoy your own culture was also deemed as highly pertinent for examination. These rights were seen to reflect the core principles of HRE as articulated by Nancy Flowers (2000) in *The human rights education handbook* being:

- Full respect for all people regardless of class, caste, sexual preference, race, gender, religion, income, ability, age, or other condition (right to equal value and non-discrimination; right to freedom of thought, conscience and religion; right to enjoy own culture).
- Participation of students in their own education and sharing in the decision-making process (right to education, right to freedom of opinion, and right to take part in the conduct of affairs).

- The celebration of human experience as an expression of diversity and uniqueness as well as an important source of knowledge and wisdom (right to life and development, and right to freedom of expression).
- The vital importance of social responsibility.

The vital importance of social responsibility highlights the underpinning premise that rights-respecting practice is based on a view that we all share responsibility for ensuring each other's rights are met. Further, it is important to note that the emphasis on social responsibility marks a shift away from liberalist rights discourse that focuses on freedom and autonomy, to an understanding of rights aligned with communitarian (see Delanty, 2002) and global or cosmopolitan citizenship (see Tijsterman, 2014; Williams, 2002) definitions, in which the main focus is care and concern for others (be they fellow local or global community members), regardless of age, ability, culture, sexuality, environment, faith, nationhood, occupation, or political affiliation. As renowned HRE scholars Hugh Starkey and Audrey Osler (2010) argue: "the human rights project is a cosmopolitan one and effective education for our global age requires a cosmopolitan vision based on a shared understanding of human rights and exploration of citizenship at all levels" (p. 113).

Australian curricula

National reform of curricula in Australia began with publication of the first national framework for early childhood education in 2009: the *Early Years Learning Framework for Australia* (EYLF) (Commonwealth of Australia, 2009). Mandated or prescribed curricula for early childhood education in Australia is relatively new and considered to have begun with the introduction of principles for practice in long day care centres (Ashby & Grieshaber, 1996) through the *Putting children first: Quality improvement and*

accreditation system handbook (National Childcare Accreditation Council, 1993), followed by state-based curricula, for example the Queensland Preschool curriculum guidelines (Groenenberg & Queensland School Curriculum Council, 1998). Before this, individual teachers developed individual programs based on principles of child-centred pedagogy and developmental psychology, resisting notions of curriculum as a “content dominated inflexible regime” (Ashby & Grieshaber, p. 133). A national early years framework was purposefully developed rather than a curriculum so as to offer plenty of space to be built upon (Sumsion et al., 2009) and remain open to multiple interpretations and deconstructions (Sumsion & Grieshaber, 2012). In an article about the intent and process of writing the EYLF, Sumsion et al. (2009) declare their commitment to recognising “children as capable and entitled to rights” (p. 8). The framework’s design is an intersection between five learning outcomes (children have a strong sense of identity; are connected with and contribute to their world; have a strong sense of wellbeing; are confident involved learners, and are effective communicators), five principles (secure, respectful and reciprocal relationships; partnerships; high expectations and equity; respect for diversity; and ongoing learning and reflective practice) and a repertoire of pedagogical practices.

The curricula analysis took place in 2014, when the Australian Curriculum for schools was still in development (and under review), so the learning areas (English, Mathematics, Science, History and Geography) for Foundation to Year 10 that were endorsed and implemented nationally by 2014 were read for evidence of HRE. The senior secondary curriculum was not examined due to the increased variation across state and territory authorities. And though the Australian curriculum: Civics and Citizenship was not yet endorsed in 2014 it was included, based on three reasons. Firstly, in agreement with Starkey and Osler (2010) that the human rights project is

seen as central to a cosmopolitan view to citizenship education. Secondly, in Lapayese's (2005) chapter on human rights education policy reform in schools, based on examination of national plans of action submitted to the UN Office of the High Commissioner of Human Rights, she found that when HRE was relegated to a specific subject area curriculum it was mainly the civics curriculum. Thirdly, to assess whether the Attorney-General's promise (noted earlier) in 2010 was fulfilled. The general capabilities were also included to identify how HRE may be integrated and how children may be taught for and through HRE across the curriculum. In addition, the *Melbourne Declaration on Educational Goals for Young Australians* (MCEETA, 2008) , and *The Shape of the Australian Curriculum* (ACARA, 2010) were examined as guiding documents for overarching principles on the purpose and intent of the Australian curriculum.

Recently, others have also conducted analyses of Australian curricula to: identify the place of education for and about human rights within school curriculum documents for History (Burrige et al., 2014); the place of HRE in the school curriculum in each state and territory and the extent of the opportunities for teaching and learning about human rights across the school years (Burrige et al., 2013); and the extent to which Australia has responded to the call for integrating HRE into the national curriculum (Gerber & Pettit, 2013). However, these analyses neither include the EYLF for Australia, nor read the curricula documents for how children and young people are constructed as rights holders and claimers. In 2012, children's rights in Australian curricula was also examined as part of a UNICEF United Kingdom study of 12 countries (other than the United Kingdom) on effective, practical and impactful ways of embedding children's rights (Lundy, Kilkelly, Byrne, & Kang, 2012). Similarities and differences from each of the above studies of HRE in Australian curricula are woven into the discussion of findings.

Evidence of human rights in Australian curricula

The following discusses evidence of reference to children's rights and human rights broadly, then evidence of the selected civil, political and social and cultural rights, followed by critical analyses as to priorities and interpretations of rights -firstly through examination of the EYLF and then the Australian Curriculum. Then critical analyses of the curricula priorities and omissions of rights are read for interpretations as to how children and young people are constructed as rights holders and claimers in both the EYLF and the Australian Curriculum.

Human rights presented as relevant for education of children in the Early Years Learning Framework

Children's rights are explicitly acknowledged in the EYLF with the introduction clearly stating: "Early childhood educators guided by the Framework will reinforce in their daily practice the principles laid out in the United Nations Convention on the Rights of the Child" (p. 5). The subsequent two sentences specifically acknowledge children's right to education, right to play and to "be active participants in all matters affecting their lives" (p. 5). Children are recognised as possessing "rights to participate in decisions that affect them, including their learning" (p. 9). And educators are to "make curriculum decisions that uphold all children's rights to have their cultures, identities, abilities and strengths acknowledged and valued, to the complexity of children's and families' lives" (p. 13). The table on page 7 provides illustrative quotes of significance that make reference to the selected relevant civil, political and social and cultural rights for analysis.

	RIGHTS	SAMPLE ILLUSTRATIVE REFERENCES TO HUMAN RIGHTS IN <i>EARLY YEARS LEARNING FRAMEWORK FOR AUSTRALIA</i>
CIVIL RIGHTS	Right to life and development (Art 3 UDHR; Art 6, 29 CRC)	“The five Learning outcomes are designed to capture the integrated and complex learning and development of all children across the birth to five age range” (p. 19)
	Right to equal value and non-discrimination (Art 7 UDHR; Art 26 ICCPR; Art 2 CRC)	Principle 3 – High expectations and equity - “Educators ... challenge practices that contribute to inequities and make curriculum decisions that promote inclusion and participation of all children” (p.13)
	Right to freedom of opinion (Art 19 ICCPR, UDHR)	Example of evidence of Outcome 2a Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation - “children - express an opinion in matters that affect them” (p. 26)
	Right to freedom of thought, conscience & religion (Art 18 UDHR; ICCPR; Art 14 CRC)	Outcome 3 – Children have a strong sense of wellbeing -“educators attend to children’s wellbeing by providing...respect for all aspects of their physical, emotional, social, cognitive, linguistic, creative and spiritual being” (p. 30) and “welcome children and families sharing aspects of their culture and spiritual lives” (p. 31)
POLITICAL RIGHTS	Right to freedom of expression (Art 19 ICCPR; Art 19 UDHR; Art 13 CRC)	Children’s learning is described as - “Play is a context for learning that allows for the expression of personality and uniqueness” (p. 9)
	Right to take part in the conduct of affairs (Art 25	Children’s learning is described as - “They recognize their agency, capacity to initiate and lead learning, and their rights to participate in decisions that affect them, including their learning.” (p. 9)

	ICCPR; Art 12 CRC)	
	Right of peaceful assembly (Art 21 ICCPR)	Outcome 2a - “Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation” (p. 26)
	Right to freedom of association with others (Art 22 ICCPR)	Outcome 2a “Children develop a sense of belonging to groups and communities” Example of evidence of Outcome 2a “begin to recognise that they have a right to belong to many communities” (p. 26)
SOCIAL AND CULTURAL RIGHTS	Right to education (Art 26 UDHR; Art 28 UNCRC; Art 13 ICESCR)	“Early childhood educators guided by the Framework will reinforce in their daily practice the principles laid out in the United Nations Convention on the Rights of the Child (the Convention). The Convention states that all children have the right to an education that lays a foundation for the rest of their lives, maximizes their ability, and respects their family, cultural and other identities and languages” (p.5)
	Right to take part in and enjoy own culture (Art 30 CRC; Art 15 ICESCR)	Principle 4 – respect for diversity -“uphold all children’s rights to have their cultures, identities, abilities and strengths acknowledged and valued, and respond to the complexity of children’s and families’ lives” (p.13)

Explicit present-tense language is employed throughout the EYLF that acknowledges children as rights holders and claimers of today. For each of the civil, political and social and cultural rights selected as relevant for children and young people, clear evidence was readily located. The right of peaceful assembly may not be readily recognised as relevant to children and young people’s lives, as it is associated with public protest, a civic action that children may participate in with their families, however the

public imagination struggles with the notion of child-led protest (see Phillips, 2010). The EYLF is admirable in its recognition of children's political rights. What is most notable is the recognition of children's right to take part in matters that affect them that is made explicit at multiple central framing points of the document. This right and the flow-on rights of peaceful assembly and freedom of association with others are well supported by *Outcome 2 Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation*. This outcome provides a strong foundation for political co-existence and active communitarian citizenship of purposeful group action to create a cohesive just society through a strong sense of community responsibility (Delanty, 2002). Through practices that attend to this outcome, children learn the civic action concepts of social responsibility, civic identity, critical consciousness and active participation (Flanagan, 2012). The acknowledgement of reciprocity of rights reflects a core premise of HRE from a cosmopolitan citizenship perspective as advocated by Starkey and Osler (2010), that it is not only the rights of others, nor asserting individual rights. Rather it is the reciprocal respect of each other's rights, so that no one person's assertion of rights denies another's. As the World Conference on Human Rights (1993) noted, understanding of human rights is essential for cultivation of peaceful relations among communities.

The EYLF principles provided as underpinnings to early childhood education also explicitly advocate for education through human rights, in particular the principles of 'high expectations and equity' and 'respect for diversity'. They provide educators with guidelines to honour children's right to equal value and non-discrimination and to take part in and enjoy own culture. These principles support ethical practice with children; welcoming and respecting their identities; and "a disposition of openness" (Millei & Jones, 2014). Further to this, Millei and Jones see the EYLF's potential to support

cosmopolitan learning and related pedagogy that encompasses:

- an unconstrained dialogue between equals;
- a shared aversion of pain and sympathy for the suffering of the others;
- significant detachment from the standpoint of particular social groups;
- advanced skills in thinking from the perspectives of others;
- children's participation in the world (p. 75).

I agree with Millei and Jones that the potential pedagogies that the EYLF move away from narrow economic agendas that dominate educational policy and better equips children "to become more ethically engaged with changing global realities and develop new modes of human and more-than-human co-operations" (pp. 75-76). In conclusion, the EYLF weaves in explicit references to civil, political and social and cultural rights that provide scope for a strong foundation in HRE embedded in children's lived experiences.

Human rights presented as relevant for education of children in the Australian Curriculum Foundation to Year 10

In the Australian Curriculum the only explicit mentions of the UN CRC are in Year 10: as a possible elaboration in the History Rights and Freedoms unit, and as a possible elaboration in the Civics and Citizenship unit on Australia's international legal obligations. A nationally mandated curriculum provides an obvious vehicle for Australia to meet its obligation to make the CRC widely known to children, however this opportunity to support children and young people's awareness of their rights has not been embraced; it is only an option when recipients are nearing the end of childhood.

A broader reference to children possessing rights is made in Year 6 History on the development of Australia as a nation, where children are added at the end of a list of

marginalised groups to include in exploration of experiences of Australian democracy and citizenship. Attention to children's rights in this unit depends on the goodwill of the teacher; being placed last on the list invites infrequent inclusion. In the Civics and Citizenship curriculum (ACARA, 2014), rights are not mentioned until Year 5 (following two years of content on rules and laws), in learning about laws that protect human rights; for example, sex, disability, race and age discrimination law. The next mention is in Year 6 content with reference to citizenship rights related to the Australian citizenship pledge. Though both of these examples refer to political rights, they reflect highly regulated practices. There is only one mention of the UDHR across the entire curriculum. Once again it is in the Year 10 History Rights and Freedoms unit -when students are nearing the end of schooling. Thus not only is there concern about the reduced access to this content on human rights, but also as Gerber and Pettit (2013) argue, the message given to children and young people is that rights are seen as a historical conception not a lived practice.

The table on page 9 provides sample illustrative quotes that most clearly indicate the presence of the selected relevant civil, political and social and cultural rights in the Australian Curriculum: Civics and Citizenship, general capabilities of Ethical Understanding, and Intercultural Understanding, *The Shape of Australian Curriculum* and the *Melbourne Declaration on Educational Goals for Young Australians*, as holding potential for greater significance (for example, is an overarching aim, goal, principle or outcome) in contribution to HRE goals. Though there is mention of human rights in the History curriculum (as noted in the previous paragraph) and it is admirable that it promotes a critical stance, explicit units on human rights are in the final year of compulsory History, learning about human right as an historical construct for others, not recognising children as right holders of today. References to human rights in the

Year 6 unit on Australia as a nation, in which experiences of Australian democracy and citizenship address human rights generally for marginalised groups, do not specify civil, political and social rights aside from mention of Aboriginal and Torres Strait Islander peoples gaining the right to vote in 1962. In Year 7, rights in Ancient Egypt, China and Greece are investigated, though once again this is communicating rights as construct of the past. The History curriculum is therefore not included in the selection of illustrative quotes because its references to human rights are not seen to have significant potential influence, given they refer to rights generally and did not communicate relevance to children today.

	RIGHTS	SAMPLE ILLUSTRATIVE REFERENCES TO HUMAN RIGHTS IN AUSTRALIAN CURRICULUM
CIVIL RIGHTS	Right to life and development (Art 3 UDHR; Art 6, 29 UNCRC)	“Australian Curriculum helps prepare all young Australians to become competent members of the community” and “has been written to take account of the growth and development of young people” (Australian Curriculum Assessment and Reporting Authority, 2010, p. 9, 11).
	Right to equal value and non-discrimination (Art 7 UDHR; Art 26 ICCPR; Art 2 UNCRC)	<i>Melbourne Declaration on Educational Goals for Young Australians</i> states that: “Australian governments and all school sectors must: – provide all students with access to high-quality schooling that is free from discrimination” (Ministerial Council on Education Employment Training and Youth Affairs, 2008, p. 7). Specific learning content for respecting the rights of others is listed in the General Capability of Ethical understanding “exploring what it means to treat people equally” (Level 3 example) (Australian Curriculum and Reporting Authority, 2013a, p. 7).
	Right to freedom of opinion (Art 19 ICCPR, UDHR)	Key content for Years 3,4,5 & 6 of Civics and Citizenship curriculum: “identify different points of view and share personal perspectives and opinions” (Australian Curriculum and Reporting Authority, 2014) Foundation Year of General Capability of Intercultural Understanding - “express their opinions and listen to the opinions of others in given situations” (Australian Curriculum and Reporting Authority, 2013b, p. 10)

	<p>Right to freedom of thought, conscience & religion (Art 18 UDHR; ICCPR; Art 14 UNCRC)</p>	<p>Spirituality is acknowledged as part of student identity in <i>Melbourne Declaration on Educational Goals for Young Australians</i>.</p> <p>The first aim of the Civics & Citizenship curriculum states: “students develop: a lifelong sense of belonging to and engagement with civic life as an active and informed citizen in the context of Australia as a secular democratic nation with a dynamic, multicultural and multi-faith society” (Australian Curriculum and Reporting Authority, 2014).</p> <p>The General capability of Intercultural understanding seeks to develop students who appreciate “Australia’s social, cultural, linguistic and religious diversity” (Australian Curriculum and Reporting Authority, 2013b).</p>
POLITICAL RIGHTS	<p>Right to freedom of expression (Art 19 ICCPR; Art 19 UDHR; Art 13 UNCRC)</p>	<p>Communicate ideas is listed as what successful learners do - the first component of the educational goal for Australian students (Ministerial Council on Education Employment Training and Youth Affairs, 2008)</p> <p>Year 8 Civics & Citizenship content – “The freedoms that enable active participation in Australia’s democracy within the bounds of law, including freedom of speech” (Australian Curriculum and Reporting Authority, 2014).</p>
	<p>Right to take part in the conduct of affairs (Art 25 ICCPR; Art 12 UNCRC)</p>	<p>In the General Capability of Ethical understanding students “learn to be accountable as members of a democratic community” (Australian Curriculum and Reporting Authority, 2013a, p. 1). Students are taught reasoning in decision-making with emphasis on consideration of others rather than children having the right to take part in the conduct of their affairs.</p>
	<p>Right of peaceful assembly (Art 21 ICCPR)</p>	<p>Year 8 Civics & Citizenship content – “The freedoms that enable active participation in Australia’s democracy within the bounds of law, including freedom of speech, association, assembly, religion and movement” (Australian Curriculum and Reporting Authority, 2014).</p>
	<p>Right to freedom of association with others (Art 22 ICCPR)</p>	
SOCIAL & CULTURAL RIGHTS	<p>Right to education (Art 26 UDHR; Art 28 UNCRC; Art 13 ICESCR)</p>	<p>“All students are entitled to rigorous, relevant and engaging learning programs drawn from a challenging curriculum that addresses their individual learning needs.” (Australian Curriculum Assessment and Reporting Authority, 2014)</p>
	<p>Right to take part in and enjoy own culture</p>	<p>General Capability of Intercultural understanding introduction states: “students develop intercultural understanding as they learn to value their own cultures, languages and beliefs, and those of others” (Australian Curriculum and Reporting Authority, 2013b, p. 1)</p>

Most references to the identified civil, political and social and cultural rights are in overarching curriculum documents -the *Melbourne Declaration on Educational Goals for Young Australians*, the *Shape of Australian Curriculum* and the general capabilities of Ethical and Intercultural Understanding. This potentially supports teaching through human rights, if general capabilities such as Ethical and Intercultural Understanding are woven across all teaching and learning. Human rights are explicitly mentioned in the third organising element of Ethical Understanding: values, human rights and responsibilities. This is the most explicit inclusion of human rights across all year levels of the Australian curriculum, and was also acknowledged by the Lundy et al. (2012) study. However, the only rights explicitly noted are to freedom and protection and largely within the contexts of home and school, and a predominance of considering others' rights (for example, "exploring what it means to treat people equally"). What is noticeably absent is the right of children to take part in matters that affect their lives (Article 12 of the CRC) and the context of community and the public sphere. The indicators of this right infer that this is a right to be learnt, not a right that children already possess. Yet the right to active participation in the learning context and wider community was well embraced in the EYLF. Of further concern is that the example offered for commencing Ethical Understanding in the Foundation Year: "discussing reasons for and behaviours associated with school rules" (ACARA, 2013a, p. 10), foregrounding obedience over participation. Emphasis on rules is also central to commencement content of the Civics and Citizenship curriculum in Year 3, a jarring transition from EYLF *Outcome 2 Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation.*

In the general capability of Intercultural Understanding, the right to take part in

and enjoy one's own culture is well supported, particularly in the element of *recognising culture and developing respect*, in which cultural identity and respect for diversity is explored. The sub-strand of *challenge stereotypes and prejudices and mediate cultural difference* provides content that can enable teaching through HRE. Such references were categorised as implicit indicators of HRE in the Burrige et al. (2013) study. And though teaching through human rights is embedded into general capabilities, this requires generalist teachers to have knowledge and skills in HRE, as Burrige et al. consistently found by way of their nationwide roundtable discussions with key education stakeholders, teacher training and professional development is required to support implementation as teachers feel ill equipped to implement HRE. Education in children's human rights is essential in teacher education and professional development (Starkey & Osler, 2010).

HERE Civil and political rights are presented as relevant within the Civics and Citizenship curriculum - as is typical of citizenship curricula - however rules, laws, institutions and regulated practices are the focus for building understanding of Australia's system of democratic government and law. The civil right to opinion is the one right that is well supported with explicit reference and content across the first four years of the curriculum. Content on political rights of freedom of speech, assembly and association is only provided in Year 8. And what is recommended as avenues of student citizenship participation are listed as "student governance, community service programs, parliamentary education programs, and the work of non-government organisations (including at the international level)" (ACARA, 2014, p. 13). This suggests that children and young people can learn about freedom of association with others, but conditions apply when it comes to their own right to freedom of association with others, as the curriculum regulates what is acceptable. Unfortunately, the emphasis of the Civics

and Citizenship curriculum is on nationhood and compliance, with content focusing on Australian government, law and citizenship policies and practices, as opposed to a cosmopolitan vision, advocated by Starkey and Osler (2010), that attends to the human rights project locally, nationally and globally.

The most explicit reference to the social right to education that meets children's needs is located in the Student Diversity section of the Australian Curriculum. The document goes on to advocate for personalised learning by stating that teachers respect students' individual needs, strengths, language proficiencies and interests. Interestingly though, all the examples provided on the Australian Curriculum website for personalised learning are for children with disabilities or English as an Additional Language, suggesting that customisation of learning only applies to children with diagnosed and categorised needs. The message thus communicated by ACARA is that the right to education that meets individual learning needs is only attended to when needs are high or significantly variant from year-level standards.

Overall, though the first Australian Curriculum has taken some steps to include HRE, the references are minimal and built on a foundation of understanding the importance of rules, with a construction of children and young people largely as recipients who need to learn about rights and to respect the rights of others. The UN legislation (UDHR and CRC) references are historically framed and too late in Year 10. The general capability of Ethical Understanding and Civics and Citizenship curriculum offer the greatest potential for teaching through and about human rights, yet the commencement of content with the importance of rules communicates an emphasis on compliance and denounces children's right to participation. BurrIDGE et al. (2013) noted that teacher education and professional development in HRE is required to support increased implementation of HRE, while Gerber argues that federally mandated

legislative and administrative policies and measures will ensure HRE is embraced in school education in Australia. Yet such measures impose the impetus externally. If it was possible to produce a curriculum document for the early years that explicitly honours children as rights holders and claimers, then it could be possible in schools if a shift in perception of children and young people as rights holders and claimers of today occurs.

Children and young people as rights holders and claimers in the curricula

The disconnection between how the EYLF and the Australian Curriculum addresses HRE is concerning for continua of learning. In recent decades, early childhood education theory and practice has shifted to embrace sociology of childhood perspectives honouring children as social actors of today (see James & Prout, 1995). This has been largely a result of widespread interest in the teaching and learning practices applied in the schools of Reggio Emilia, Italy, which explicitly embrace a children's rights approach to education (see Cadwell & Rinaldi, 2003). In an article on the process and intent of developing the EYLF, Sumsion et al. (2009) explained that they intentionally designed the document being mindful of "the importance of valuing children as active citizens in the present" in the hope that "it would begin to redress the sometimes unrelenting focus in government discourses on children as investments in the future" (p. 9). Their intention is visibly evident through the introductory declaration of embracing the CRC, in particular recognising children as active participants in all matters that affect their lives, and use of present-tense language to refer to children's active participation in their learning and the community. Yet developmental psychology is still strongly imprinted in schooling, with children and young people largely positioned as citizens of the future with learning development sequentially arranged in the Australian Curriculum. The EYLF does not provide developmental sequences of learning, rather there are five

learning outcomes and guiding principles that could be applied to any life stage - providing a radical shift in curriculum structure. Examination of the EYLF and the Australian Curriculum for schools pertaining to HRE highlight the limited (or absence of) consultation between writers for early years contexts and schools. The opportunity to build on engaging with children as rights holders and claimers from early years settings to schools has not been sustained. In the draft Civics and Citizenship curriculum (2013) it was proposed to commence from Year 3, with an accompanying claim that Foundation to Year 2 can be covered by the EYLF, but no explicit links are made (the endorsed Civics and Citizenship curriculum of 2016 is only for Years 7-10). Substantial shifts in thinking need to occur in schooling to begin to engage with children and young people as rights holders and claimers.

Significant potential lies in school education learning from the foundations laid in the EYLF. Firstly, teaching practice could be guided by the principles laid out in the CRC. This could be articulated in the preamble for the Australian Professional Standards for Teachers. Secondly, children and young people's right to be active participants in all matters affecting their lives (thus including rights to participate in learning decisions) needs to be adopted as a central principle for school education for all young Australians. Thirdly, teachers need to make curriculum decisions that uphold all children's rights, which could be reinforced in Standard 2.3: Curriculum, assessment and reporting in the Australian Professional Standards for Teachers. Fourthly, the learning outcome of: *Children and young people develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation* could be a learning outcome that flows from the early years throughout the duration of schooling. This learning outcome would attend to the educational goal of all young Australians to become (and be) active and informed citizens (MCEETYA, 2008).

Such a shift for school education could be enabled if teachers and principals employ a pedagogy of listening as the premise for learning relationships, which requires a suspension of judgment and prejudice to open one's self to others (Rinaldi, 2006). Listening to children and young people enables greater scope for children to express opinions, thoughts, ideas, as well as religious, cultural, sexual and ability diversity; to take part in matters that affect their lives; to associate and assemble with others; and to gain the learning they require—as their voices will be heard— as rights holders and claimers. Through listening, teachers model rights-respecting practice that children and young people will adopt in turn, especially when they see and experience personal and social gains. Rinaldi further describes listening “as sensitivity to patterns that connect, to that which connects us to others” (p. 49), offering capacity to cultivate the vital importance of social responsibility, the underpinning premise of HRE (Flowers, 2000).

Conclusion

More than two decades have passed since the World Conference on Human Rights (1993) in Vienna declaring a need to promote HRE, and in that time there has been considerable energy, efforts and actions to implement HRE in Australian schools. Yet implementation continues to be minimal with the opportunity to embed HRE in the first Australian Curriculum only tokenistically addressed. Current dominant audit and assessment agendas in education have clearly swelled to diminish attention to socially just and democratic schooling (see Lingard, 2013). In contrast, the EYLF - which seemed to have no visible input from human rights organisations and committees, advocates, academics, teachers and interested citizens to urge for the inclusion of rights - provides a strong foundational document for education through, for and about human rights. To further enhance this strong foundation implemented in the early years, Early Childhood

Australia (Australia's peak early childhood advocacy organisation) has developed, in collaboration with the Australian Human Rights Commission, the *Supporting young children's rights statement of intent* (Australian Human Rights Commission & Early Childhood Australia, 2015) that guides educators on how to reinforce children's rights in their daily practices. There is clearly momentum amid key early years decision makers in support of rights-respecting practice. As chair of the Australian Human Rights Education Council, Ozdowski (2013) warns:

In the absence of an effective integration of human rights education into the new national curriculum, Australian schools are likely to continue to find it difficult to prioritise human rights issues to the extent necessary to have a sustained impact on student learning.

One such possibility could be to learn from early childhood educators' practices of listening, welcoming openness to others and building upon the foundations of the EYLF and the *Supporting young children's rights statement of intent*. Australia's international reputation in relation to human rights is at an all-time low, hence urgent action for education about, through and for human rights is one social mechanism to remedy a culture and government that condones human rights abuses.

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