

Whitlam Institute

WITHIN WESTERN SYDNEY UNIVERSITY

# Whitlam Oration



## AUSTRALIA'S ROLE IN HUMAN RIGHTS IN A CHANGING WORLD

Delivered by Dr Michelle Bachelet,  
UN High Commissioner for Human Rights

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WESTERN SYDNEY  
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# Leanne Smith

## Director of the Whitlam Institute

The Whitlam Institute strives to deliver distinctive, bold and inspiring policy research and programs that promote common ground, inclusive national identity and civic engagement for all Australians, and to be recognised – across the political spectrum – as delivering a nation-building agenda that will in E.G. Whitlam’s words “...help the great and continuing work of building a more equal, open, tolerant and independent Australia”.

E.G. Whitlam believed in the value of international cooperation. Perhaps not surprisingly, given his father Fred Whitlam’s role in Australia’s contribution to the formation of the UN following WWII. Gough understood the value, power and authenticity of connecting the local to the global.

Whitlam strove to establish Australia’s identity and reputation in the international community as an enlightened, independent and constructive player in world affairs. He engaged Australia as a good international citizen by ratifying international treaties and agreements, including 15 treaties on human rights that underpin the framework for human rights protections that Australians enjoy today. Australians deserve to be proud of our contribution to a just global rules-based order that has sought to serve humanity since the terrible waste and destruction of WWII.

It is an absolute honour to have a world leader of this calibre here in Australia to share her knowledge and experience with us, and to open our eyes to what is happening around the world. To put the opportunities and challenges we have here in Australia in a broader context. To understand our privilege and our responsibilities.

The Whitlam Institute advocates an engaged, curious, collaborative, compassionate, responsible and contributory Australian foreign policy. An Australian public policy dialogue that sees value in engaging with and participating in global discourse and action, for reasons beyond any immediate tangible direct dividend but because we form part of the family of nations. An Australia that sees itself as part of the world, with a shared stake in the fate of humanity and the planet. We wish to promote a serious, frank and fearless public policy debate within Australia about how we determine our national interest.

Dr Bachelet has dedicated her life to upholding the human rights of others. Often this has been at great personal risk to herself. The first time Dr Bachelet came to this country was in 1975. She came here as a refugee. She was one of the first political refugees Australia ever granted asylum. She has since broken through many glass ceilings. Dr Bachelet was twice elected President of Chile. She was the first female president of her country. In 2011 she was named the first Director of UN Women. In September last year she was appointed UN High Commissioner for Human Rights.

Ensuring the dignity and rights of all human beings is a collective, global responsibility. Australians must stand for the necessity of a cooperative and collaborative relationship between the UN and Australia. We have no reason to fear constructive international engagement. The UN is built on the recognition of the sovereignty and cooperation of nation states. We at the Whitlam Institute hold to the view, put by our former Prime Minister 45 years ago at the UN General Assembly:

“No country needs, more than Australia, the fulfilment of the international objectives of the United Nations; to reach the fulfilment of our own national objectives.”

# *Australia's Role in Human Rights in a Changing World*

Dr Michelle Bachelet  
UN High Commissioner for Human Rights

9 October 2019

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I would like to begin by paying tribute to the Right Honourable Edward Gough Whitlam in whose honour this lecture is named. First of all, on a very personal level. When I was forced to flee my country, Chile, at the age of 23, Australia was my first place of safety – and Gough Whitlam was Prime Minister. I experienced the solidarity of Australia with the Chilean people, and the tremendous warmth and hospitality of Australians.

So I am greatly honoured to return to this beautiful country, and to speak at this institute, with its distinguished record of public policy research and advocacy.

When I look back on my early days in Australia, it feels a bit like looking in a blurred mirror. And I don't mean because of my long hair and bell-bottomed trousers.

Australia – and our world – have changed significantly since then. But despite the distance of time, we can also see some familiar contours, and echoes of the fundamental challenges that political leadership and the human rights movement are grappling with today.

In the early 1970s, we were at the height of the Cold War, and Australian troops – most of them conscripts – were fighting in Vietnam. But new winds were shifting almost every certainty in global politics. China was beginning to emerge from its revolutionary decades, and many countries across Asia had recently cast aside colonial rule.

## **When I was forced to flee my country, Chile, at the age of 23, Australia was my first place of safety**

The world was on the cusp of significant economic and technological changes. Personal computers were making their debut. An engineer made the first truly cellular mobile phone call in 1973, and the following year, the first codes were written for what would become the Internet.

Meanwhile, the global economy was rocked by skyrocketing oil prices, and for the first time we woke up to our structural dependence on fossil fuels. By the end of the 1970s, scientific opinion had already concluded that global warming would impact on our lives around the year 2000.

It seemed, then, like the impossibly distant future.

And just as importantly, Australia – like other countries – was facing deep and intensifying societal change. Women challenged traditional stereotypes and began to assert their equal rights in society, the family and the workplace.

The Whitlam Government was making important reforms, such as no-fault divorce and steps towards equal pay. Australia participated in the first UN conference on women, in Mexico, in 1975 – represented by the distinguished Elizabeth Anne Reid – the world’s first advisor to a head of government on women’s affairs – and Margaret Whitlam, a bravely outspoken feminist.

Important first steps were made to recognise the rights of Aboriginal peoples, with a “Tent Embassy” being established in Canberra. But it would be many more years before the human rights violations suffered by so many Aboriginal people, including the widespread separation of children from their parents, would be fully acknowledged. That journey is still not complete.

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benefit everyone.**

In other words – just as it is now – Australia was in the midst of inward transformation, while also grappling with a changing world.

Regional dynamics were radically shifting.

The economy was on the cusp of far-reaching globalization.

Technological developments would soon overwhelmingly transform our lives.

There was the first inkling of the vulnerability of our environment.

And women were finding a new place in society and the world of work.

This picture of a country engaging with multiple forces of social, technological, economic and global political change seems a little familiar, doesn’t it?

Back then, how did this country navigate those challenges?

Would the most appropriate, most sustainable, most effective answer have seemed to stem from isolationism?

Would turning inwards as the so-called “lucky country” have stopped the great global tides of political, economic, social and technological change?

Would a refusal, denial and confrontation with the forces of change have netted greater well-being and broader enjoyment of rights for all the people of Australia?

I think not.

The most positive answer to structural change lies in engagement, dialogue and the recognition that greater justice, more respect, and broader freedoms benefit everyone.

Progress in human dignity and equality is instrumental to generating greater development, and more respectful and peaceful relationships, within societies – and between them.

In Australia, Asia and across the world, millions of people have gained greater freedoms, greater security and equality because of the movement for human rights.

Conditions of profound economic misery and exploitation have been challenged under the guidance and with the force of human rights laws and treaties. In many parts of the world, including my own, dictatorships have been overturned and replaced by participative systems of governance that seek to serve their people.

The perpetrators of human rights violations, including genocide, have been prosecuted by international and national tribunals – a fact essential to deterring future human rights violations.

On women's rights; the rights of indigenous peoples, and ethnic, religious, racial and caste minorities; the rights of people with disabilities; of workers and employees; people who are LGBTI; the rights of the child; the rights to health; to education; to decent housing and social services: in all these areas – and many others – enormous progress has been made.

## **The Whitlam Government ratified 15 international human rights treaties in the space of three years.**

Human rights are neither left nor right. They enlarge freedom for all. Human rights build resilience, greater social harmony, and the broadest possible progress. They acknowledge complexity and seek to re-establish fundamental decencies – principles that are common to us all.

I think Gough Whitlam clearly grasped this. As Justice Michael Kirby has observed – and we miss him tonight – Whitlam was a true internationalist, one who led a sustained and strong engagement by Australia with its region and the world. He also saw the transformative power of international law to drive domestic law and policy reforms, using the treaty power written into the Constitution.

It is interesting to note that Fred Whitlam, Gough's father, participated in drafting the Universal Declaration of Human Rights. And of course it was Australian Foreign Minister "Doc" Evatt who, as President of the UN General Assembly, oversaw the adoption of the Universal Declaration. This foundational human rights text is steeped in Australian values, as well as the values of many other regions of the world.

The Whitlam Government ratified 15 international human rights treaties in the space of three years, most notably the Convention on the Elimination of All Forms of Racial Discrimination, which became the basis for the landmark Racial Discrimination Act of 1975. Australia signed the two great human rights instruments – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – within six days of his election.

Later, Australia ratified other treaties and protocols on women's rights, refugees and statelessness. It joined nine International Labour Organisation Conventions on freedom of association, unemployment, the minimum wage and workplace discrimination, and these have shaped Australia's labour market to this day.

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and even racist attitudes.**

Ratifying treaties leaves a lasting legacy. They are not something imposed from outside, but are freely accepted by sovereign countries.

They provide strong leverage for reform and secure the gains that are made for the long term. They also give focus, legitimacy and strength to the vital work of civil society groups.

And they provide a navigational compass: a guide for managing the storms and sudden shifts of global change.

By committing Australia to the framework of international human rights law, Whitlam was effectively building a "human rights charter" for Australia – something which is currently lacking in its Constitution.

The treaties Australia has ratified have become the basis for a patchwork of human rights laws prohibiting discrimination in different domains. But this has left gaps, and a framing of rights as negative prohibitions rather than in positive terms.

I am convinced that Australians would benefit greatly from a comprehensive human rights act that would provide an overarching framework for the development of laws and policies and a source of remedy when Government is in breach of human rights.

I am pleased to see that the governments of Victoria, Australian Capital Territory, and, most recently, Queensland have led the way towards this goal, developing their own State or Territory level human rights legislation. I commend and encourage the various public conversations that are under way, and hope they will converge with the wisdom expressed by indigenous Australians towards a new and modern vision for human rights in Australia.

Now let's look outwards at the world today.

I would like to reflect tonight on a few areas of rapid and challenging changes, where human rights laws and principles could certainly help to guide policy-makers to the best solutions.

The first may not be a new trend, but it is a resurgent one. Nationalism is on the rise in many societies, accompanied by a revival of outspoken racism, discrimination and xenophobia. This is a very corrosive force, splintering social harmony, dividing society, and spurring conflict.

It is particularly striking to note how much hostility against migrants is whipped up in online spaces and in the media, where hate flourishes, and how rapidly these attitudes can become part of the public discourse.

From there, they may go on to distort public policy, with even more dangerous and disturbing consequences.

I have a number of serious concerns about migration and asylum policies in this country, including the so-called “offshore processing” regime and prolonged mandatory detention of refugees and asylum seekers. But tonight, I want to focus on my concerns about the public narrative in Australia surrounding migration and asylum, which I fear has become weaponised by misinformation and discriminatory and even racist attitudes, including with respect to Islam.

## **Desperate human beings seeking safety and dignity are victims, not criminals.**

Targeting migrants as convenient scapegoats for a range of society’s troubles is a practice that is certainly not limited to Australia. Around the world we see some politicians and would-be opinion leaders who are only too eager to demonize some of society’s most vulnerable and marginalized people for political gain.

Although no State is obliged to accept every person who arrives at its borders, all human beings are bound by the imperative of compassion and by the recognition of our common humanity.

Desperate human beings seeking safety and dignity are victims, not criminals; they are people just like us – tired and in need. And they are moving – many of them – because they have no other choice.

The Global Compact for Migration, adopted by an overwhelming consensus of member states in 2018, reminds us that the human rights of all migrants must be “respected, protected and fulfilled at all times”. Stripped of the misinformation deliberately spread against it, the Global Compact inspires us to greater international cooperation to address destitution and environmental degradation, which compel people to flee from their homes. It is about reducing inequalities, protecting the rights of all people on the move, and ensuring greater freedom and opportunity for all.

It seems to me very unfortunate that Australia – a country of migrants – has opted out of this important global discussion to find cooperative solutions. If we refuse dialogue, inclusion, respect and justice, we are in effect enabling injustice, cruelty, grievance and tensions that may fuel greater conflicts.

Societies which have deep roots in the principles of fairness, freedom and equality may assume these precious principles will live on forever. But they can be suffocated by indifference – or by despair.

If people’s demands for participation and rights are not met with responsive and responsible policies, which uphold respect for every member of society, many people may sink back into dissatisfaction, convinced that self-serving elites do not have the people’s interests at heart. They will disengage.

As you might know, a 2018 survey by the Pew Research Centre in 27 countries found that more than half of respondents were dissatisfied with how democracy was working.

In 12 of these countries, negative views of democracy outpaced positive by more than 10 percent. This disillusion gives space and encouragement to the isolationists – those who sow divisions and stoke resentment in order to exploit and profit from hatred.

We will not solve our problems in isolation.

In my service as a Head of State and Head of Government I learned many things. One was very simple: there was rarely a serious gap between the interest of humanity, and the national interest of my country.

If a policy seems in the short term to advance a narrow interest, but hurts the future of humanity, that policy is surely counter-productive.

We sometimes hear human rights being dismissed as supposedly “globalist” – as opposed to the patriotic interest of a sovereign government. But how can any State’s interests be advanced by policies that damage the well-being of all humanity?

To be sustainable and effective, solutions to complex global issues – like climate change, migration, epidemics and transboundary conflicts – must be cooperative, and they must uphold human rights.

The right to equal protection of the law. The right to life, liberty and security of person. The right to education, to healthcare, food, shelter and social security. The right to be free from any form of discrimination. The right to freedom of expression and the right to privacy. The right to freedom of thought, conscience and religion. The right to due process and fair trial. The right to be free from torture, and from unlawful or arbitrary arrest or detention.

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The force of these and other fundamental rights binds us together as human beings, regardless of our sex, race, belief, sexual orientation, nationality, migration status or any other factor. These core values and principles are essential to the maintenance of our mutual peace, prosperity, and sustainable development.

Today, around the world, many courageous young people are marching to defend freedom and the environment. Policymakers need to listen to their demands. Leaders – not just political leaders, but social and business leaders too – can and should encourage greater participation and involvement by young people, whose lives will be shaped by the issues that are coming to the fore right now.

Rather than fueling cynicism about the value of participation, they could – and should – be encouraging people to advocate policies that align with our most important personal convictions and ideals.

Friends, colleagues, let me move on to another, vital set of challenges whose impact on our lives will certainly accelerate in coming years. Digital technologies will increasingly confront us with significant challenges and dilemmas. They have already transformed many of the ways we exercise our human rights – but they also create new ways in which those rights can be violated.

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Of course, there are benefits. Satellite imagery and encrypted communications have ensured better monitoring of human rights violations in places where the authorities refuse to give us access.

New data streams have been used to combat human trafficking and exploitation, and have tracked modern slavery in supply chains. Social media has become a significant source of evidence, including witness testimony and video of human rights violations – and great strides are being made in technologies to authenticate open source information, allowing for its use in courts as well as human rights investigations. And use of the Internet has also enabled communications by and between civil society groups, and massively boosted public participation in efforts to promote social justice.

But today we are seeing intensified digital harassment of human rights defenders and civil society. In some countries, massive surveillance of the public is becoming the norm, violating the right to privacy as well as enabling the violation of numerous other rights. New tools, such as facial recognition technology, are increasingly used to monitor what people do in public spaces, adding pressure to a free exercise of fundamental human rights. Automated systems governing social security may have discriminatory effects.

Today social media is used to spread the most toxic forms of hate, including racism, anti-Semitism, contempt for women, Islamophobia, homophobia, xenophobia or other forms of hatred.

Following the terrible attack in Christchurch, many people around the world felt urgently the need to rein in the use of social media to propagate incitement to violence and hate.

When looking to find ways to overcome the challenges in a growing digital communications space, regulation of harmful acts is important.

However, we must keep in mind that any regulations which change how Internet platforms operate and what they display will affect billions of people. It affects how they connect, what they see, how they can be heard. In short, it affects their rights, and in particular their rights to speak, associate and assemble freely. Ill-considered regulation risks removing the space for many forms of legitimate expression.

To be effective in countering incitement to violence and hatred, I encourage building policies on the basis of the international human rights framework. They need to honour the rule of law, be transparent and ensure accountability, including access to effective remedies for victims. Too often, we see efforts that give companies or the executive branch of States poorly checked powers to control content online.

Let me touch here on a relevant current debate in this country, following the dismissal of a prominent rugby player from the national team after he had made anti-gay social media posts quoting Bible verses. This brought to the fore concerns about the relationship between freedom of religious belief and freedom of expression and led to proposals for new laws to protect against discrimination on religious grounds.

Human rights principles help to provide the answers to questions such as these. While we defend religious freedom, we must also be mindful of arguments that instrumentalize religion to impose restrictions on the enjoyment of rights by specific groups or individuals, or to undermine reforms towards greater equality and justice. This is notably the case concerning the human rights of gay, lesbian, transsexual and intersex people and women's access to sexual and reproductive health and rights.

Both freedom of religious belief and freedom of expression are enshrined in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. They are essential – but under certain circumstances, their manifestation may be restricted, for example if necessary to protect the fundamental rights and freedoms of others.

While freedom of religion should be protected, this should also not undermine the protection of other rights such as freedom of expression, or the prohibition of discrimination on other grounds, such as sexual orientation. Our “Faith for Rights” framework includes commitments by many faith leaders to revisit religious interpretations that appear to perpetuate gender inequality and harmful stereotypes – or even condone gender-based violence.

The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is a key instrument distinguishing those forms of expression that should be defined as incitement to hatred and thus prohibited. It defines six thresholds for messages, which may require action, and this too is extremely relevant to hate messages on social media. The thresholds include context; the speaker's standing; intent to advocate or incite; scope or extent; and imminence.

**Digital technologies ... have already transformed many of the ways we exercise our human rights – but they also create new ways in which those rights can be violated.**

My point is that the guidance from international human rights bodies are key navigational aids that [assist] lawmakers and courts in dealing with these issues at a time [when] we face uncertainty and potential threats.

In more ways than one, digital issues are among the very complex problems that no State, and no company, can solve on its own. Rather, we need broad public debate and the continuous, collaborative engagement of many governments, businesses, developers, civil society activists and affected groups. The Christchurch Call process is bringing together the most experienced organisations working in this field, and this collaborative, dialogue-based approach will certainly be a good way forward.

Human rights institutions have built up a tremendous body of experience to help governments ensure that the private sector acts responsibly in upholding rights – and in providing redress for wrongs caused by their products or services.

The UN Guiding Principles on Business and Human Rights provide an authoritative global standard for addressing the human rights impact of business activity. Various forms of guidance have already been developed for specific sectors, and new tools will be needed for other fields – from the health sector to finance, manufacturers of robots, autonomous cars and other artificial intelligence sectors.

Friends and colleagues, the transformations of digital technology will extend into every sphere – from medicine to warfare, policing, schools, the world of work and virtually all forms of human activity. But there is another threat to human rights that is even more vast: Climate change.

It is already massively affecting many Pacific communities, undoing important development gains and threatening to make individuals and communities even more vulnerable or force them to leave their homes.

## **There is another threat to human rights that is even more vast: Climate change.**

Much more is yet to come. Small Island States have very few options to devise and implement solutions to a problem they did not generate, and which, in several cases, threatens their physical existence. They need – now – support for their adaptation and mitigation efforts, including financial support and transfers of green technologies, so that they can protect the rights of their peoples.

Australia’s fragile ecosystem is already suffering significant impact, with another historic drought this summer, after the record-breaking heat of 2018.

Annual rainfall is declining, depleting rivers and water supplies that nourish people, ecosystems and farms.

Extreme fire risk days are becoming much more numerous.

The corals of the Great Barrier Reef are being bleached by warming seas.

Around the world, human-generated, preventable climate change has already begun to impact the rights to food, water and sanitation; to decent shelter; to health; to personal security; and even to life, for many people.

If you are under the age of 50, there is now a very strong risk that in your lifetime, you will experience great impact from catastrophic warming. If you are under the age of 30, that is almost certain.

This is reality.

The future of today’s young people will be conditioned by the climate policies that are adopted by leaders now.

Will we respond with a denial of the inconvenient, unfortunate, but very visible truth of what is happening?

Or will we adopt an approach that embraces dialogue and maintains a clear grasp of the facts, principles and justice?

## **The future of today's young people will be conditioned by the climate policies that are adopted by leaders now.**

Will we continue to finance traditional client groups and industries poorly adapted to the changing global landscape? Or will we encourage new economic sectors, better adapted to a changing world?

This country has faced many such turning points, and steered through them with skill. Today, once again, it is time to make decisions, in clarity, and with principle. The world needs Australia's participation – just as Australia, in this context of global climate change, very badly needs the global community to take action. And in this respect, we need to count on the participation of indigenous peoples, whose stewardship of natural resources, over the course of millennia, may yield vital lessons for our survival today.

There is, still, time to act. There is time to come together, and build hope. We know how to build the path to solutions, to greater social peace, and to more sustainable economies.

We build that path with justice and respect.

We build equality. Every individual must be clear in the knowledge that – regardless of sex, race, ethnicity, opinions, belief, caste, class, migrant status, sexual orientation, disability – her equal rights are fully acknowledged and respected. This is how social cohesion grows stronger: in dignity, and through participation.

We build trust, through governance that is transparent, participative and accountable.

We set up measures that uphold the effective enjoyment of fundamental economic and social rights – such as the equal right to education, to access quality healthcare, and to fundamental social protections.

## **We build trust, through governance that is transparent, participative and accountable.**

We uphold freedoms of expression, association and belief, together with strong and independent media, in order that people be fully informed, and feel free to contribute in decision-making without fear.

We ensure respect for the identity, traditions and rights of indigenous peoples and minorities.

We help to safeguard societies against people who propagate hatred and incite violence – almost always against society’s most powerless members, and frequently for political benefit. Political leaders can do a lot to effectively counter the incitement to hatred, by speaking out firmly and promptly against hate speech.

**Human rights are not impractical philosophical ideals. They are sound policy choices, which build strong, healthy, secure, peaceful and thriving societies.**

Step by step, these elements of justice, participation, conflict resolution, and power-sharing flow into greater confidence, better solutions and more mutual respect.

This is the most effective way of governing – because human rights are not impractical philosophical ideals. They are sound policy choices, which build strong, healthy, secure, peaceful and thriving societies.

Look at Australia. So much of this warm, generous and fair-minded country is built upon its deep-seated grasp of human equality, dignity and rights.

Upholding human rights has not weakened this country. It has made Australia stronger, more resilient and successful. Internationally, it has brought global respect, and an important regional and international role.

Australia is a good global citizen. Peace operations from South Sudan to the Middle East rely on Australian forces. International institutions rely on Australian diplomacy. Vital initiatives to uphold the rights of women in every region count on Australia’s leadership and support. Australia has led the way on abolition of the death penalty, and the inclusion of people with disabilities around the world.

We need Australia to step up to the plate on other issues too – joining the growing international consensus on the urgency of climate change, and the need for a more humane, rights-based and people-centred governance of global migration.

**Upholding human rights has not weakened this country. It has made Australia stronger, more resilient and successful.**

“We see international law as an integral part of Australian policy formulation and the projection of those policies internationally,” Gough Whitlam said in 1975. “We believe that international law ... provides the only alternative to tension, chaos and destruction.”

At a time of deepening turmoil, with rising antagonism and new challenges to human rights and human existence, these words ring true. Let us recognise and cherish what these binding agreements have built, their fundamental wisdom and humanity, and their promise of a safer, fairer future.

In my capacity as a Head of State, as a government Minister, in a civil society – and as a refugee myself – I saw that human rights measures work.

Human rights-based policies are effective. Policies that build social justice also help to develop stronger economies. They drive more inclusive political systems, better frameworks for education, health-care, and other basic services. They build confidence and social harmony. They deepen trust. They build hope. They deliver better outcomes for people – people across the social and economic spectrum, and beyond borders. They prevent grievances, conflicts, inequalities, and suffering and discrimination of all kinds. Systems that deliver justice and redress for victims mean that grievances are recognised, and make it easier to maintain peace and security. Human rights have guided societies through many challenging periods of change.

## **Policies that build social justice also help to develop stronger economies.**

It can be done. I have seen it done.

Public policy is complex: I know this. Achieving good human rights outcomes in the real world of government requires the balancing of many issues. It is not – or very rarely – about perfection. It is about progress.

Policies which support the rights of every woman and man to make their own choices are good for communities and nations. Steps to ensure the authorities engage in respectful dialogue with civil society make for much better, broader development.

We have the opportunity. This generation of world leaders has the capacity to ensure far greater well-being for their people. The tools exist.

In today's currents, in this uncharted storm – literally – of rising seas and heavy winds, oriented by the belief in equal rights and dignity for all, we can steer our vessels, together, to safety in more peaceful waters.

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