

Human Rights in Australia

As well as being a signatory to the two covenants to the Universal Declaration of Human Rights, Australia has signed other important covenants and other international conventions, including:

- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination Against Women
- The Convention on the Rights of the Child
- The Convention on the Status of Refugees
- The Convention Against Torture
- International Labour Organisation Conventions on Workers' Rights.

In 2008 the Australian government took some further steps regarding Australia's international human rights obligations:

- Australia ratified the Convention on the Rights of Persons with Disabilities.
- Australia held consultations about ratification of the Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture.
- Australia expressed its commitment to formally supporting the Declaration on the Rights of Indigenous Peoples.
- Australia issued a standing invitation to UN human rights experts to visit and report on Australia.

Can Australia do more?

Australia is alone among Western Democracies in that we do not have a charter or bill of rights that ensures the protection of human rights in the national laws of Australia.

Victoria and the Australia Capital Territory have charters of rights but no equivalent exists at the Federal level.

In the current circumstances in Australia some human rights are protected by a combination of the Constitution, the general law (or the "common law") and statute law. Some rights are expressly provided for and some are implied in the law.

The following civil and political rights receive some protection in Australia:

- A limited right to vote.
- A limited right to privacy.
- A fair trial, including a right to legal counsel in criminal prosecutions.
- The right to remain silent when questioned, with some exceptions.
- The rights to a speedy trial.
- The right not to be defamed.

But not all human rights recognized in international law or in the Universal Declaration of Human Rights are protected under Australia's laws.

Arguably the following human rights are not adequately protected under Australian law:

- Freedom of speech.
- Detention without charge.
- An absolute right to silence when being questioned by security services and some investigative bodies.
- An absolute right to vote.

There is some debate over which rights are protected and which are not adequately protected under Australian law. The existence of rights is not always clear and the power of government to limit or remove rights in Australia is a concern to many Australians.

For this reason a debate is underway in Australia as to how best protect human rights under Australian law. This includes a debate on whether or not Australia should have a national charter or bill of rights.

The government organisation chiefly responsible for advancing and protecting human rights in Australia is the Australian Human Rights Commission. You can view their website at <http://www.hreoc.gov.au>.

Complaints about the denial of human rights including discrimination can be made to the Australian Human Rights Commission.

In NSW complaints can be made to the Anti Discrimination Board. You can view the Board's website at: http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_index