

# CHECK OUT

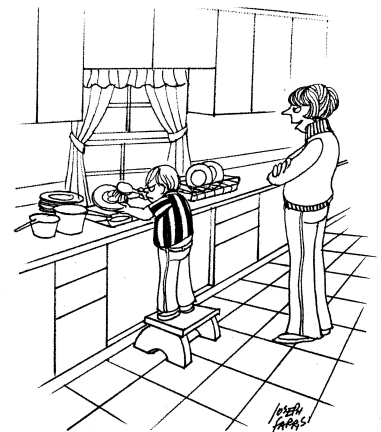
CCJP

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## *A Human Rights Charter for Australia — Why?*

### Why?

A Charter or Bill to defend human rights is well overdue in this country. Australia is the only democratic country in the world with neither a constitutional charter of rights, nor legislation that formally protects basic human liberties. Formally enshrining human rights in law would both protect individuals and foster a community that is conscious and respectful of the needs and rights of others.



"What's your washing dishes got to do with human rights?"

### What are human rights?

Human rights are about equality and fairness for everyone. We all have human rights regardless of where we are from, what colour our skin is, what language we speak, what religion we practice or any other status. Some common examples of human rights include the right to life, right to equality before the law, right to freedom of expression, right to work and the right to education.

### Aren't our rights protected now?

It was believed traditionally that the Common Law was sufficient protection for citizens. Not so now. Government policies and practice over the past decade, viz., Tampa, the children overboard (sic), Cornelia Rau and Dr Haneef, the detention of asylum seekers including children behind barbed wire (contrary to the Convention on the Rights of the Child), the suspension of the Racial Discrimination Act in the NT Intervention, the Australian Building and Construction Commission's unfair and hidden discrimination against building workers, and the more recent NSW ban on bikie gangs and increased powers for police to obtain covert search warrants have shown how easily rights of individuals and groups can be eroded sometimes for political purposes and at times to satisfy public hysteria.

## Will a Human Rights Charter Allow Judges to Override Parliament?

The only proposal for a charter of rights that is presently on the table in Australia is one, like that of Victoria and the ACT, based on the statutory model accepted in Britain in the *Human Rights Act* 1998 (UK). That model does not give courts a power to override or invalidate a law made by Parliament as some critics of a human rights charter suggest.

**The proposed Charter is not the same as that of the United States.** It simply encourages courts to **interpret** laws made by Parliament, in so far as they can, to be consistent with the charter. If an inconsistency exists, this is brought to the attention of Parliament. It still has the final say.

As Justice Michael Kirby has stated, as a constitutional process, such a charter seems to **enhance** the operation of the parliament. It seems to improve responsiveness to concerns about injustice, inequality and departure from fundamental rights.

Any kind of social or cultural discrimination in basic personal rights on the grounds of sex, race, colour, social conditions, language or religion, must be curbed and eradicated as incompatible with God's design.

*Vatican 11: Gaudium et Spes 29*

## What Human Rights Should be Included in a Charter or Bill?

CCJP believes the following rights and freedoms should be enshrined in a human rights charter or bill:

- Freedom of expression;
- Freedom from interference with privacy;
- Freedom from discrimination;
- Right to equality before the law;
- Right to education;
- Right to adequate living standards;
- Freedom of association;
- Right to just and favorable conditions of work;
- Freedom of thought, belief and religion;
- Protection from torture and cruel, inhuman or degrading treatment or punishment;
- Rights of children to be protected from maltreatment, neglect, abuse or degradation

**In addition we strongly support a particular mention of the rights of Indigenous Australians to the preservation of their culture, land and sea rights and spirituality**

**In particular we support an immediate re-instatement of the Racial Discrimination Act and all associated Acts that were removed from Aboriginal people by the Howard Govt NT Intervention. As well we call for an end to the blanket quarantining of their welfare payments.**

### Sources

[www.lawyersalliance.com.au](http://www.lawyersalliance.com.au)

[www.humanrights.gov.au](http://www.humanrights.gov.au)

[www.humanrightsact.com.au/ahrg/](http://www.humanrightsact.com.au/ahrg/)

Should you wish to receive further

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