

Submission to the Parliamentary Joint Committee on Human Rights, Inquiry into Australia's Human Rights Framework

NSW Activism Leadership Committee of Amnesty International Australia

5 June 2023

The NSW Activism Leadership Committee of Amnesty International Australia welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework.

We are a group of volunteer community members with a commitment to defending universal human rights. We comprise people from a variety of ages, genders, cultural backgrounds, professions and geographic locations elected to represent and lead the more than 200,000 Amnesty International members and supporters in the NSW region.

We support the legislation of a federal Human Rights Act, also known as a Human Rights Charter.

Australia has had a strong history of supporting the protection and advancement of human rights ever since it played a leading role in the development of the Universal Declaration of Human Rights in 1948. Despite this record, the lack of a strong legal framework for the protection of human rights in this country remains a glaring omission and undermines our country's commitment to human rights.

Too many Australian citizens have had their rights abused in this country and have had no legal remedy to seek to protect those rights. In particular, the human rights of Australia's First Nations Peoples have regularly been abused without satisfactory legal recourse. Other groups to have suffered from a lack of a Human Rights Act include refugees and asylum seekers, the homeless, the poor, people living in regional and remote communities and people living with disabilities. We are particularly concerned about the right to protest both in NSW and nationally, given that new laws impinge upon the right to peaceful protest. In addition, our land and waters need to be protected as a basic right to a healthy environment which we all want to enjoy and pass on to future generations.

We believe that all Australians benefit when all people have their rights protected.

A Human Rights Act will help prevent human rights abuses because it will place human rights at the heart of decision making by requiring governments to consider human rights when drafting laws, developing policies, delivering services, and making decisions.

A Human Rights Act will give people the power to take action if their rights are violated, and seek reparations for violations. It will provide a mechanism for resolving situations where people's rights may come into conflict with the rights of others. A Human Rights Act will strengthen the Australian community's understanding of human rights and respect for each other's rights.

We support a legislated Human Rights Act, like those in Victoria, Queensland, and the Australian Capital Territory, and support the position paper released by the Australian Human Rights Commission in March 2023.

An Act should include the human rights Australia has already promised to uphold under international law, including civil, political, economic, social and cultural rights under the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the rights of children and people with disabilities.

We believe that a national Human Rights Act will greatly benefit the people of NSW who do not have a state Human Rights Act to protect them. We are currently campaigning for the NSW government to introduce a state Human Rights Act in this term of the NSW parliament. Human Rights Acts in other states and territories have helped protect the rights of vulnerable communities in those jurisdictions and we believe that a national Human Rights Act will deliver a more coherent and equitable Australian human rights framework than the current position where people in some states have protections while those in other states do not and the form of protection, if any, varies from state to state.

The lack of a national Human Rights Act undermines Australia's international position when advocating for the protection of human rights in other countries. Australia cannot, with any credibility, argue for improved protection of human rights overseas when it does not have a clear and comprehensive national framework for the protection of human rights in this country. In this way, the lack of a national Human Rights Act in Australia hurts not just the citizens of this country but those of other countries as well.

For all the reasons outlined above, we call on the Parliamentary Joint Committee to recommend that the Federal government legislate a Human Rights Act.

Yours sincerely,

Kevin Sweeney

President

NSW Activism Leadership Committee

Amnesty International Australia