



National Consultation on Human Rights in Australia

Information for Deaf people

**This information is based on a toolkit provided by the Australian Human Rights Commission.
Deaf Australia has amended and added to their original information toolkit.**

What is the consultation about?

The Australian Government wants to know what Australians think about the best way to protect our human rights in Australia.

They have set up an independent committee to consult with Australian people. The committee is asking three questions:

1. What human rights should be protected and promoted?
2. Are these human rights protected and promoted enough now?
3. How can Australia protect and promote these human rights better?

The committee wants Australian people to send submissions to tell them what we think. They will then send a report to the Australian Government.

We must send submissions **by 15th June 2009**.

What are human rights?

Human rights are about basic values that help make sure that everyone is treated well and can participate in our society.

At the international level, human rights are written down in international agreements called 'conventions', 'covenants' and 'treaties' that explain what human rights are and how they should be protected and promoted. Some of these agreements are:

- *Universal Declaration of Human Rights*, which includes the right to equality, dignity and freedom.
- *International Covenant on Economic, Social and Cultural Rights*, which includes the right to:
 - live with your family
 - work and be treated fairly at work
 - an adequate standard of living, including adequate food, clothing and housing
 - access appropriate health care
 - a basic education
 - maintain your culture and language
 - access services regardless of your race, gender, age or disability.
- *International Covenant on Civil and Political Rights*, which includes the right to:
 - life
 - not be tortured or treated cruelly
 - liberty and to be free from arbitrary arrest or detention
 - be treated equally by the courts
 - privacy
 - think what you like and to practice any religion
 - say what you like (without inciting hatred or violence)
 - vote and participate in public affairs

- *Convention on the Rights of Persons with Disabilities*, which includes the right to:
 - have the same access as everyone else to the physical environment, transport, information and communication and other facilities and services
 - live independently and be included in the community
 - equal opportunity and inclusion in education
 - access to health and rehabilitation services
 - effective measures to ensure the equal right of people with disability to work, including support for reasonable adjustments to be made to the work environment
 - an adequate standard of living, including access to housing and to assistance with disability expenses where necessary
 - equal recognition before the law and access to justice
 - respect for privacy and family relationships
 - be free from cruel, inhuman or degrading treatment
 - freedom of movement and personal mobility.

Australia has signed these agreements – which means Australia has agreed to follow them. Australia has also signed other international human rights agreements.

Why are human rights important to you?

Many people feel Australia is a safe place, e.g.:

- Our justice system works well compared to many other countries.
- Most of us can vote in elections by secret ballot (Australians who are blind can't).
- We can say what we like most of the time.
- We can practice our chosen religion in peace most of the time.
- Most people have access to education and health services.

But not everyone's human rights are respected all the time in Australia. For example:

- Some Australians have good access to good schools, hospitals and mental health services, and some Australians don't.
- People living in aged care homes should be looked after in a way that respects their dignity. But this does not always happen.
- Everyone who uses a wheelchair should be able to use public transport and enter the same buildings as others. But this does not happen everywhere.
- Government officials should treat us all with respect. But sometimes people from other cultures and languages feel they are not treated with respect.
- Every night about 105,000 people are homeless.
- Some families seeking asylum in Australia were detained in immigration centres for more than 3 years; one child was detained for almost 5.5 years.

All of us, at some time in our life, need to seek protection of our human rights to make sure we are treated fairly and equally.

How are human rights protected in Australia?

Most Australians would be surprised to know that in Australia there are very few legal protections of our human rights.

What human rights protections do we have now?

- A few are protected by the Australian Constitution, e.g., the right to vote and the right to trial by jury for some offences.
- Some federal and state laws ban discrimination on some grounds including race, sex, age and disability.
- Victoria and the ACT have Human Rights Acts.
- Some laws have some protection of some rights, e.g., laws about child protection.
- Some rights (e.g. housing, education, health) are not legally protected but are partially implemented through policy or services.
- There are laws to protect your privacy.

Are current human rights protections in Australia strong enough?

Some people say that our strong democratic tradition and the independence of the courts is enough to make sure that our human rights are protected. But democracy doesn't always work fast enough to stop human rights problems, or to help people when they have a problem, and there are many gaps in protection under Australian laws. Some examples:

- The government can make laws that breach human rights, e.g.:
 - Mandatory detention of asylum seekers breach the right to be free from arbitrary detention.
 - The Northern Territory intervention legislation (for Indigenous people) is racially discriminatory.
- Governments do not always consider the needs of the most vulnerable people in society when developing policy.
- Sometimes public authorities breach human rights, e.g., people in immigration detention have been treated in ways that are inhuman or degrading.
- Sometimes there is no effective solution to a human rights problem, e.g.:
 - If someone can prove they have been discriminated against in employment, they might not be able to do much about it. They can complain to the Australian Human Rights Commission (AHRC) but the AHRC cannot force the employer to change its behaviour.

Without comprehensive legal protection of human rights, our government does not have to make sure that the human rights of all Australians are respected, promoted and protected.

Australia is the only Western democracy that does not have a national law protecting human rights.

How could we improve human rights protections in Australia?

The National Human Rights Consultation is not promoting any one way of protecting human rights. The committee wants to hear a wide range of ideas.

There are many ways that human rights could be better protected in Australia. Some ideas:

- A national Human Rights Act that sets out our human rights and how they should be protected.
- Better protection of human rights in the Australian Constitution.
- New parliamentary processes to make sure that new laws comply with human rights.
- Requiring government departments to consider and respect human rights when they develop policy and make decisions.
- Developing a National Human Rights Action Plan backed up by enough resources and a commitment to improve human rights protections.
- Making specific laws e.g., for how people in immigration detention should be treated; or for paid maternity or parental leave; or for Deaf people's right to use Auslan.
- Implementing a national public education program about human rights.
- Incorporating human rights into a national education curriculum.
- Implementing specific protections for Indigenous people, e.g., making sure that Australian laws do not discriminate on the basis of race.
- Strengthening the role of the Australian Human Rights Commission (AHRC).

The AHRC believes that the best way to protect human rights is through a national Human Rights Act – a national law that sets out the human rights of all people in Australia. This would provide the most comprehensive framework for protecting human rights in Australia.

Has a Human Rights Act made a difference elsewhere?

Yes. There is a Human Rights Act in the ACT and Victoria, and in the UK and other places. It can be used to advocate for better outcomes for vulnerable people. It has helped to prevent human rights problems from happening.

There are many examples from the UK where bad decisions made by public authorities have been challenged on human rights grounds and a better decision has then been made.

Send a submission to the National Human Rights Consultation

Why should I make a submission?

This is your opportunity to tell the government about your human rights experiences, why you think human rights are important and how you think your human rights should be protected.

What questions should my submission answer?

1. Which human rights should be protected and promoted?

Some things that are important to Deaf people include:

- The right to use Auslan
- The right to equal access to information:
 - information provided in Auslan
 - captioning on TV, movies, Internet etc
- Interpreting
- Appropriate and equal opportunity in education including the use of Auslan in education (bilingual education)
- Access to assistive technology – e.g. provision of hearing aids
- Support in meeting additional expenses when participating in employment, education and other areas of life – e.g. provision of interpreting
- The right to mix with other Deaf people and for Deaf children to have Deaf role models.

2. Are human rights protected and promoted enough now?

There is limited human rights protections for people with disabilities – e.g., we do not have any laws that give people with disability the right to receive the support, assistance and other services they need. The Disability Discrimination Act (DDA) does not do this – it only gives you the right to make a complaint if you are discriminated against, it does not make governments or service providers give you the services you need.

For Deaf people, a basic human right is the right to use Auslan. There is no law in Australia that gives us that right.

3. How could Australia protect and promote human rights better?

Do you think a Human Rights Act would protect your human rights?

What other ways could your rights be protected? Some other ways could be:

- Better protection of human rights in the Australian Constitution
- Development of more standards and codes under the DDA
- A National Disability Strategy based on the UN Convention on the Rights of Persons with Disabilities
- A national public education program about human rights, with a focus on the human rights of people with disability
- Making the DDA more strong

What you put in your submission is up to you. These are just some suggestions for things you could think about for your submission.

You do not have to answer all of the questions. You can just answer the ones you want to answer.

Some tips for making a submission:

Submissions have more impact if they include:

- stories of your personal experience
- examples of how your human rights have been breached
- ideas about what might have made a difference to your situation.

Submissions close on 15th June 2009.

Send your submission to

National Human Rights Consultation Secretariat

Attorney-General's Department

Central Office

Robert Garran Offices

National Circuit

BARTON ACT 2600

Or make a submission online at www.humanrightsconsultation.gov.au