



MONASH University
Castan Centre for Human Rights Law

Human Rights Centres in Australia

Dr Adam McBeth
Castan Centre for Human Rights Law, Monash University
22 March 2012



Covered in this presentation:

- 1 Australia's National Human Rights Framework
- 2 Australian Human Rights Commission
- 3 Castan Centre for Human Rights Law (Monash University)



Australia's Human Rights Framework

Launched 2010

Australia's Human Rights Framework

- The consolation prize! (No national Bill of Rights.)
- Co-ordinated by Attorney-General's Department

- Main elements:
 1. Human rights education
 - a) Within government (public service)
 - b) Community generally (including schools)
 2. Scrutiny of new laws
 3. Engagement with NGOs

Human rights education

- To government:
- Attorney-General's Department producing simple material & conducting training of public servants

- Goal:

Understanding of how ordinary decisions in government agencies affect human rights; make decisions more compatible with human rights.

- Material available at:

<http://www.ag.gov.au/Humanrightsandantidiscrimination/Humanrightsandthepublicsector/Pages/default.aspx>

Human rights education

- To schools:
 - Human rights education integrated into national school curriculum
- To community:
 - Funding for human rights education projects conducted by outside groups (eg NGOs, academic institutions)

Scrutiny of new laws

- New parliamentary committee established
- Examines new legislation & regulations for compatibility with Australia's international human rights obligations
- Issues statement of compatibility, but not legally binding



National Human Rights Action Plan

- Baseline study
- Action plan aims to address wide range of issues where Australia could improve
 - Specific actions across whole government
- Draws on recommendations from UPR
- Draft documents available at:
<http://www.ag.gov.au/Humanrightsandantidiscrimination/Australiashumanrightsframework/Pages/NationalHumanRightsActionPlan.aspx>

NHRAP Baseline study

Issues of concern

- Access to justice
- Counter-terrorism
- Use of force by police
- People trafficking
- Workers' rights
- Climate change
- Poverty

Experience of specific groups

- Aboriginal & TSI
- Women
- Children
- Older people
- GLBTI
- Homeless
- Disabled
- Carers
- Prisoners
- Refugees & migrants

Australian Human Rights Commission



**Australian
Human Rights
Commission**

everyone, everywhere, everyday

Australian Human Rights Commission

- Australia's National Human Rights Institution
- Created by federal legislation
- Independent from government and free to criticise government
 - (but government provides funding and appoints Commissioners)
- 6 commissioners:
 - Human Rights
 - Aboriginal & Torres Strait Islander Social Justice
 - Age Discrimination
 - Disability Discrimination
 - Race Discrimination
 - Sex Discrimination

AHRC mandate

- Complaints
 - Can conciliate *discrimination* complaints, but must refer to Federal Court for binding remedy
 - No mandate for general human rights complaints
- Holding inquiries
 - Eg current inquiry on children arrested as “people smugglers”
- Providing legal advice
 - Eg in court cases considering human rights issues
- Advocacy / law reform submissions
- Public education

AHRC databases

- Links to human rights documents of Australian government (e.g. National Action Plan) and international instruments relevant to Australia
- Database of all AHRC decisions
- Archive of all AHRC reports, submissions, publications
- Available at: <http://www.hreoc.gov.au/legal/index.html>

State-level human rights commissions

- State-level Human Rights Charters in Victoria & Australian Capital Territory
- Gives greater legal protection to human rights in relation to government action (but still no right to sue for compensation)
- Most states have Commissions with similar mandate to AHRC

Castan Centre for Human Rights Law

Monash University, Melbourne, Australia



Castan Centre for Human Rights Law

- Academic centre based at Monash University
- Independent from government
 - Funding from donations, university and grants
 - Co-operate with government for some work, but retain independence
- Activities draw from expertise of academic staff

Castan Centre activities include:

- Human rights education / training
 - Australian government agencies
 - Government groups from Iraq, Indonesia
- Major research projects
- Advocacy / submissions on law reform
- Public lectures
- Student internships

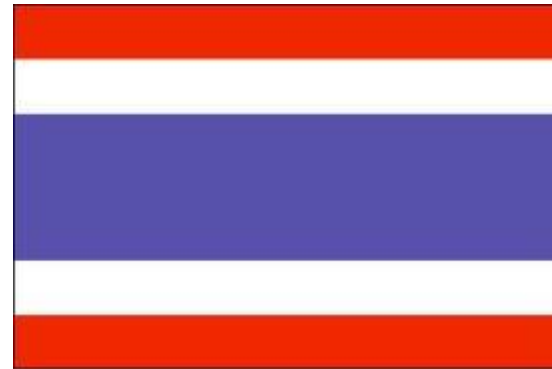
- Information & resources:

<http://www.law.monash.edu.au/castancentre/>



Best practice recommendations for Thailand

from Australian experience



Learn from Australia's strengths

- Independence from government
 - capacity to criticise government
 - integrity of data
- Strong engagement with NGOs / academic centres
 - Make use of different strengths / expertise / authority
- Human rights need to be integrated in all government agency decision making
- Research base of Human Rights Action Plan and public input in drafts

Learn from Australia's mistakes

- Constitutional entrenchment of human rights is the foundation
 - Law should not permit government to override human rights
- Access to a remedy for all rights
- Human rights framework should have legislative mandate
 - Otherwise too easy to abandon a program in future