



## National Human Rights Consultation Information Pack: *Participating in Community Consultations*

The NSW Reconciliation Council has developed this Information Pack to assist people in participating in the community consultations for the Australian Government's National Human Rights Consultation. You can use these resources to more effectively engage in the human rights debate. We encourage supporters of reconciliation to participate in the community consultations and to emphasise the need for better protection of the rights of Indigenous people in Australia. This information pack will prepare you for community consultations which are taking place now across NSW (visit <http://www.humanrightsconsultation.gov.au/> to see Timetable). A second Information Pack on *Preparing Your Written Submission* will be distributed by NSWRC within the coming months – the closing date for written submissions is 15<sup>th</sup> June 2009.

### 1. The Consultation Process

These resources outline the background to the consultation process, the terms of reference and introduce people to the concept of human rights and how they can be protected.

#### *Key Resources*

- About the National Human Rights Consultation <http://www.humanrightsconsultation.gov.au/>
- National Human Rights Background Paper <http://www.humanrightsconsultation.gov.au/>
- FAQ's <http://www.humanrightsconsultation.gov.au/>

### 2. Why is it Important to Participate?

The current Australian political and legal system does not effectively protect the rights of all Australians. The National Human Rights Consultation presents a "once in a generation opportunity" to influence and shape a future framework for improving the protection of human rights in Australia.

To effectively participate in the Government's consultation process and in public discussion, you will need to understand the concept of human rights, and you will need to consider the current limitations in the protection of our own rights and the rights of other Australians. It is important that we all participate in the debate and provide our individual and collective views to ensure the rights of future generations are respected and adequately protected.

The more people who participate in the consultation process, the more attention the government will pay to human rights, and the more likely it is that human rights will be better protected in domestic law. Every voice at a forum counts.

## Key Resources

- Engaging in Debate (Human Rights Law Resource Centre) <http://www.hrlrc.org.au/>
- FAQ's (Human Rights Act) <http://www.humanrightsact.com.au/>
- Community Education Toolkit 'Introduction' Public Interest Advocacy Centre (PIAC) <http://www.piac.asn.au/system/PHREnglish.html>
- Universal Declaration of Human Rights United Nations (UN) <http://www.unhchr.ch/udhr/lang/eng.pdf>
- Office of High Commission on Human Rights Fact Sheet 'The International Bill of Human Rights'(UN) <http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

### 3. How would the Rights of Indigenous People be better Protected under a Human Rights Act?

Currently, in Australia, Indigenous peoples' rights are not adequately protected. The NSW Reconciliation Council believes a Human Rights Act would better protect the rights of all Australians, including the rights of Indigenous people.

A Human Rights Act would ensure: that Federal Parliament considers how laws impact on human rights; that the Federal Government respects human rights when developing policy; and that public servants respect human rights when designing and delivering services. A Human Rights Act would offer a range of enforceable remedies if a government department breached human rights. A Human Rights Act would mandate the progressive realisation of Indigenous peoples' rights.

A Human Rights Act that recognised basic rights to housing, health, education and social security could clearly make a difference to the lives of Indigenous people in Australia. However, a Human Rights Act would better protect the rights of Indigenous Australians if it also:

- recognised Indigenous peoples in the preamble
- recognised the right of Indigenous peoples to effective participation in decision-making in matters that affect their rights
- recognised specific rights of Indigenous peoples to their lands, languages, culture and traditional knowledge, among other inherent rights.

## Key Resources

- 'Lets talk about rights' Toolkit and information sheet on 'Human rights and Aboriginal and Torres Strait Islander people' (Australian Human Rights Commission (AHRC)) <http://www.hreoc.gov.au/>
- Summary of the United Nations Declaration on the Rights of Indigenous People (Jumbunna) [http://www.jumbunna.uts.edu.au/research/pdf/JHLBP8\\_11\\_07.pdf](http://www.jumbunna.uts.edu.au/research/pdf/JHLBP8_11_07.pdf)
- Community Education Toolkit 'Indigenous' fact sheet (PIAC) <http://www.piac.asn.au/system/PHREnglish.html>
- United Nations Resource Kit on Indigenous Issues(UN) [http://www.un.org/esa/socdev/unpfii/documents/resource\\_kit\\_indigenous\\_2008.pdf](http://www.un.org/esa/socdev/unpfii/documents/resource_kit_indigenous_2008.pdf)
- United Nations Declaration on the Rights of Indigenous People (UN) [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
- The Human Rights of Rural Australians (AHRC) [http://www.hreoc.gov.au/human\\_rights/rural\\_australians/index.html](http://www.hreoc.gov.au/human_rights/rural_australians/index.html)

#### 4. Suggested Points to Raise at Consultations

It is important that all participants raise their own concerns during the consultations. However, in order to bring attention to the rights of Indigenous Australians you may like to consider raising the following points:

- Protection of basic human rights through a Human Rights Act, will assist in 'closing the gap' between Indigenous and non-Indigenous life expectancy
- A Human Rights Act is essential to ensure the protection of the well-being and dignity of Indigenous people in Australia
- The United Nations Declaration on the Rights of Indigenous People (UNDRIP) should be recognised in an Australian Human Rights Act, particularly
  - the right to self-determination (which can include a guarantee of full, free and effective participation in all aspects of public life, particularly government decision-making)
  - the right to recognition and protection of traditional lands, territories and resources
  - the right to the enjoyment of culture and use and preservation of languages, and to not be subjected to forced assimilation or destruction of culture.
- Indigenous peoples should be recognised in the preamble of the Human Rights Act.

#### *Key Resources*

- Indigenous Rights and the Australian Constitution - A Litmus Test for Democracy - Larissa Behrendt [http://rspas.anu.edu.au/pah/human\\_rights/papers/2001/Behrendt.pdf](http://rspas.anu.edu.au/pah/human_rights/papers/2001/Behrendt.pdf)
- 'From the Periphery to the Centre: A New Role for Indigenous Rights', - Larissa Behrendt <http://www.lawfoundation.net.au/ljf/app/&id=014447A796E67EC9CA25714C00092A61>

#### *Other Useful Websites*

- Gilbert & Tobin Public Law Centre [http://www.gtcentre.unsw.edu.au/projects\\_partners/projects/cohr/index.asp](http://www.gtcentre.unsw.edu.au/projects_partners/projects/cohr/index.asp)
- Charter Petition <http://www.charterpetition.com.au>
- Get Up! <http://www.getup.org.au/campaign/rights/407>
- Amnesty <http://www.amnesty.org.au/yourhumanrights/>