

National Human Rights Consultation Submission

AGWW-7QN85V

Organisation: retired

Submission Text:

We attended a consultation in the ACT on the topic this week. There was much focus on rights of the disabled and gender rights, but the question of how many rights to enshrine in legislation was of little interest. Indeed, rights are well catered for in our community but have to be found in different places; eg the Constitution, common law, UN conventions ratified and legislated on and Human Rights Commission. There is a gap in that although some UN conventions have been ratified by Australia, they have not been put into law. It should be recognised that there are also communal rights which at times in white society can override individual rights; eg flood fire pestilence. However some cultures, such as most Aboriginal communities believe that communal rights should always override individual rights. Those Aboriginal people who supported the NT intervention have tended to be assimilated into European Culture and hence saw the individual rights of Aboriginal children as paramount. Thus such communal rights need to be part of a Bill of Rights; just as the issue of Aboriginal access to their traditional land as a right has not yet been properly addressed. Note that those few Aboriginal leaders who oppose communal ownership of land have usually gone down the assimilation path. Many advocate the right to health as a right when they really mean a right to health care. Good health care does not necessarily lead to good health. There is a right to have access to health care that is culturally appropriate, as in Aboriginal controlled health and birthing services conducted in the appropriate language, the outcome in terms of health will be poor. Thus you have a right to learn and speak your own language, BUT a responsibility to learn the usual language of the country. So responsibilities should be lined up along side rights. We have a right to a living wage but a responsibility to accept work we can perform, if it is available. There seems to be a push to have the right to marry enshrined in law, but it may be better to have the right (for adults) to establish a relationship independent of the state or church.