

TOWNSVILLE COMMUNITY LEGAL SERVICE INC.

SUBMISSIONS TO HUMAN RIGHTS ROUNDTABLE

Townsville Community Legal Service is a non-profit community based legal centre that has been operating in the local community for almost twenty (20) years. The service has assisted more than fifteen thousand (15,000) clients over that time across a broad range of legal and related issues.

There are a number of case examples that we raise to suggest current protections are inadequate and would be enhanced by the adoption of a comprehensive human rights act. These examples all arise out of the casework of the community legal centre.

Deaths in Institutional Settings/Contexts

Institutional care settings bring a range of complex issues including neglect, abuse and raise issues about accountability for inherent rights including right to life, liberty and security of person. Deaths in institutional settings are often left unaccounted for in Coroner's Courts and other forums are ill-equipped to deal with complaints of this nature, whether they be in respect of health or aged care, foster care or residential care settings. There have been many cases of this nature in North Queensland. The rights that need to be protected are contained in:

- Declaration of Human Rights (UNDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Rights of People with Disabilities (CRPD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Institutional Abuse Cases Neglected

TCLS acted for a large number of individuals and families who shared the same horrendous story of institutional abuse. This story is well known here in North Queensland and for many unresolved. Disability services legislation offered no enforceable rights, criminal laws couldn't adapt to complainants who lacked educational history and had very complex communication needs, and discrimination laws provided no remedy for vilification or harassment let alone abuse. A human rights act would

provide a basis for a standard of treatment that would respect and protect the rights found in:

- The Convention against Torture (CAT)
- Declaration of Human Rights (UNDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Rights of People with Disabilities (CRPD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Treatment of Homeless People

There have been many examples of homeless persons and families being unable to have fundamental rights protected or enforced. The Homeless Person's Legal Clinic here in Townsville encounters these issues every week. The rights that need to be protected are contained in:

- Declaration of Human Rights (UNDHR)
- Convention on Elimination of Racial Discrimination (CERD)
- International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Rights of People with Disabilities (CRPD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Systemic Discrimination against Pacific Islanders

Pacific Islanders face systemic discrimination inherent in Trans Tasman policy arrangements in respect of immigration, social security and housing. Where those people are islanders from Tokelau, the Cook Islands, the discrimination is amplified by the fact they often have no access to complementary measures under New Zealand law. They have all the disadvantages of being a New Zealander without any of the advantages. The rights that need to be protected are contained in:

- Declaration of Human Rights (UNDHR)
- Convention on Elimination of Racial Discrimination (CERD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Redress for Wrongful Imprisonment

There exists a fundamental inability for people to found their rights under ICCPR article 9(5). This would be clearly remedied by a comprehensive approach to human rights

protections. There have been several well-known cases of this in North Queensland. The rights that need to be protected are contained in:

- Declaration of Human Rights (UNDHR)
- International Covenant on Civil and Political Rights (ICCPR)

Access to Interpreting and Translation Services

This includes all aspects of interpreting and translation including language and sign. Many who have a need for proper interpreting and translation services have limited access in regional areas, particularly with respect to everyday areas of decision-making at federal level. The approach of the federal bureaucracy would need to be tempered by adherence to a human rights act:

- Declaration of Human Rights (UNDHR)
- Convention on Elimination of Racial Discrimination (CERD)
- The Convention on the Rights of People with Disabilities (CRPD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Freedom from Elder Abuse and Exploitation

Older people often experience abuse and exploitation and there exists no adequate protections for their particular circumstances. The Age Discrimination Act and state Anti-Discrimination Laws do not deal with issues of elder abuse, harassment and financial and commercial exploitation. The rights that need to be protected are contained in:

- Declaration of Human Rights (UNDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Rights of People with Disabilities (CRPD)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Discrimination on the basis of criminal record

Current protections from discrimination on the basis of criminal history are very limited in scope and application. The rights that need to be protected are contained in:

- International Covenant on Civil and Political Rights (ICCPR)
- ILO Convention 111

BILL MITCHELL

Principal Solicitor and Registered Migration Agent