

Submission to the Human Rights Consultation

I would like to make the following submission concerning the need for a Human Rights Bill in Australia.

General:

1. I strongly believe that the Federal Government should enshrine Human Rights in the Australian constitution, as is the case in most developed and enlightened nations. Without constitutionally guaranteed Human Rights, residents of Australia who are denied just or reasonable treatment have little recourse to legal redress, and where the rights of some can be ignored, the rights of all are at risk.
2. Our failure to include Human Rights in the constitution sets a poor example to developing nations, and undermines attempts to achieve a juster world.
3. The Government's refusal to include Human Rights in Australia's constitution, in spite of lip service paid to the United Nations Declaration of Human Rights, suggests an intention of ignoring Human Rights whenever their application would be politically inconvenient.

Specific:

I am particularly concerned for the rights of Asylum Seekers in Australia. Our harsh treatment of them contravenes many of the Human Rights listed by the United Nations, and also offends against commonly accepted notions of decency. Their predicament shows just how vulnerable people can be where Human Rights do not have legal protection.

For example, successive governments have allowed or encouraged the public to see asylum seekers as "queue jumpers", instead of as people who, because they have reasonable grounds for fearing persecution in their own countries, have "the right to seek and to enjoy in other countries asylum" (Article 14).

Mandatory Detention Centres have subjected many asylum seekers to "cruel, inhuman and degrading treatment" (see Article 5); and many asylum seekers have been denied "equal protection of the law" (Article 7) because of the remote locations of the centres where they are being detained.

In that there is no reason to suspect most asylum seekers of criminal record or intent, their detention has been "arbitrary" (Article 9), and they have effectively been presumed guilty until proved innocent, in contrast to the requirements of Article 11.

Asylum seekers have been, and are still being, denied both the social security (Article 22) and the right to work (Article 23) that the United Nations Declaration prescribes, and have consequently been deprived of “a standard of living adequate for the health and well-being” of themselves and their families (Article 25) – in fact, they have effectively been reduced to a condition of beggary, and without the help of charities many would certainly have starved to death.

That these conditions can exist for some within the borders of Australia is an outrage, and brings dishonour on all Australians. It is imperative that our government urgently ratify a Bill of Human Rights based on the United Nations Declaration, so that we can ensure that the injustice and inhumanity inflicted on asylum seekers can no longer exist in our society.

(Mrs) Dorothy Howes

11 May 2009