

National Human Rights Consultation Submission

AGWW-7RUTD6

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Submission Text:

I am deeply concerned that despite Australian Government support for international agreements over many years, Australia's record on human rights for Indigenous Australians and refugees, among others, falls far short of those agreements.

The Australian government has recently supported the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). However, to adequately protect (in legal terms) Indigenous rights in Australia a Human Rights Act is required at the very minimum.

A Human Rights Act would be considerably strengthened by a constitutional guarantee of equality and non-discrimination, including:

Removal of the current racially discriminatory section of the Constitution (Section 51 (26))
Amending the current 'race power' (Section 51 (xxvi)) to ensure equality and non-discrimination.

There should also be in addition preamble recognition of Indigenous peoples in the Constitution.

The following Indigenous-specific rights should be included in a Human Rights Act:

The right to a distinct status and culture, which helps maintain and strengthen the identity, spiritual and cultural practices of Indigenous communities.

The right to land, which provides the spiritual and cultural basis of Indigenous communities.

The right to self-determination, which is a process where Indigenous communities take control of their future and decide how they will address the issues facing them.

In addition, the following general rights should be included:

The right to the highest attainable standard of health
The right to an adequate standard of living
The right to freedom from discrimination
The right to be free from violence
The right to be treated equally under the law

A Human Rights Act would better protect the rights of Indigenous Australians if it also:

Recognises Indigenous people in the preamble of the Act
Recognises and protects Indigenous rights outlined in the UN Declaration on the Rights of Indigenous People (UNDRIP)