

## **Submission to National Human Rights Consultation**

**Penelope Mathew<sup>1</sup>**

I am grateful for the opportunity to contribute to the national conversation about a national human rights charter via the internet from the wilds of Middle America. I'm going to begin my submission with a story about a refugee.<sup>2</sup> I hope that the story will speak to other people engaged in the national human rights consultation as well as the consultative committee to whom my submission is formally addressed. And I hope that it will illustrate four central points. The first is that a national human rights charter is a necessary part of good governance – an important check on arbitrary exercises of governmental power against vulnerable individuals. The second is the importance of protecting socio-economic rights in a national human rights charter. The third is that the 'dialogue' model of a human rights charter is a useful one and there are some things we can do to make the dialogue more meaningful. The final point is that a national human rights charter is the place to address the rights of refugees, and that by securing their protection, we secure our own.

### **Mr Adam cannot understand why he has to live in a car park**

As Australians are well aware, refugees are people who can't go home. Australia played an important role in writing the UN treaty that protects refugees from returning to an abusive country. In the aftermath of World War II, the world recognized that to send someone back to a place where they were persecuted would be just the same as actually committing the torture, rape and other atrocities. Refugees were not to be returned. Moreover, they should also be treated with the same respect that is due to all human beings. However, sometimes governments decide that if they can't send someone back home, they will make life so miserable that the person will decide to go home 'voluntarily.' Listen to what happened to Mr Adam.

---

<sup>1</sup> Penelope Mathew is currently the Interim Director of the Program in Refugee and Asylum Law at the University of Michigan, USA. In December 2009 she will take up the Freilich Foundation Chair at the Australian National University.

<sup>2</sup> So we can add story-telling (a well-accepted feature of modern jurisprudence) to the list of human rights lawyers' favourite things, which, having read many of the other submissions to the committee, I understand to include picnics and hugs.

Mr Adam was a young man from the Sudan who claimed refugee status in the United Kingdom. By a decision that was supposedly permitted by legislation, he was deliberately denied state support. Nor was he allowed to work. This was intended to act as a deterrent mechanism. The result was this.

... Mr Adam had nowhere else to go, so he slept in a sleeping bag in a car park outside the Refugee Council in Brixton. He had access to the Refugee Council's premises during the day, when he was able to wash himself and his clothes, get tea and coffee in the morning, a hot meal at 1 pm and sometimes another meal in the evening. ... Mr Adam said that there was no shelter in the car park and that when it rained he became cold and wet. He was unable to sleep properly at night because of the need to be vigilant. On one occasion he was awoken by a man who shouted abuse and threw a can at him. He had also been moved on by the police. He had lost weight, was developing a cough and felt that his mental and physical health had deteriorated. He felt totally humiliated at having to live in a car park. His solicitor, Sophia Linchan, said that whenever he came to see her Mr Adam appeared cold, bewildered and hungry and could not understand why he had to live in a car park.<sup>3</sup>

Fortunately, the highest court in the United Kingdom, the House of Lords, could not understand why Mr Adam was being forced to live in a car park, either. The judges unanimously found that Mr Adam's rights had been violated. The House of Lords found that Mr Adam and two other asylum-seekers had been subjected to inhuman and degrading treatment and that this violated Article 3 of the European Convention on Human Rights, which prohibits torture and cruel, inhuman or degrading treatment or punishment. This provision is part of UK domestic law – the UK's Human Rights Act 1998 – and that's why Mr Adam's solicitors could do something about his terrible situation.

In fact, the Court said, the legislation should have been interpreted differently by the government officials in the first place. Despite the fact that the UK government had decided to discriminate against asylum seekers, the government knew full well that it couldn't make refugees sleep on the streets. So they'd had to pay lip service to the European Convention in the legislation itself. In addition to allowing officials to deny state support, the legislation also said that its provisions 'shall not prevent exercise of a power by the Secretary of State to the extent necessary for the purpose of avoiding a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998)'. It is a rather sulky admission that the new policy is not really ok. You can almost hear the politicians saying 'oh alright, we won't breach human rights.'

---

<sup>3</sup> *R v Secretary of State for the Home Department ex parte Adam; R v Secretary of State for the Home Department ex parte Limbuela; R v Secretary of State for the Home Department ex parte Tesema* [2005] UKHL, [31] (Lord Hope). [Hereafter, the 'Adam case'.]

Under the UK Human Rights Act, new legislation has to be vetted for compatibility with human rights before it is passed, which explains provisions like this one. And then the courts are required to bring their impartial, unbiased judgment to the facts of particular cases and interpret the legislation in light of the rights that the government itself has said it will comply with. There is then the appeals process, which allows for a thorough, depoliticized scrutiny of the situation. So in this case, the government acknowledged on paper that it couldn't really make refugee claimants destitute. But they went ahead and did it anyway, as governments sometimes do. (Australians will recall that the Howard government redefined its election promises into 'core promises' and other 'promises'.) The Courts, who are required to apply the law instead of playing politics, said no, you actually have to live up to your promises. To quote a fabulous phrase coined by one political party to describe other political parties, the UK Human Rights Act is all about keeping the bastards honest. In this case, it was so clear what an honest answer required that when all the appeals were completed, the Courts had ruled in the refugee claimants' favour three times.

### **Everyone has the right to a home**

The UK authorities eventually found that Mr Adam was a refugee and entitled to stay in the United Kingdom, instead of returning to war-torn Sudan. So Mr Adam was able to start his life again in his new home.

Well, what of the many UK citizens who are homeless? The House of Lords was not called upon to decide that issue in Mr Adam's case. However, the judgments do draw attention to the fact that the protection against inhuman and degrading treatment could *not* be called in aid of someone who was homeless for other reasons. 'Treatment', according to the House of Lords, required something deliberate. Mr Adam and hundreds of other applicants for refugee status had been discriminatorily denied any form of state support and the right to work even though they could not leave the United Kingdom. But, Lord Scott, said, Article 3 of the European Convention on Human Rights does not 'prescribe a minimum standard of social support for those in need ...'. 'Just as there is no ECHR right to be provided by the state with a home,' he said, 'so too there is no ECHR right to be provided by the state with a minimum standard of living: 'treatment' requires something more than mere failure.'<sup>4</sup> Or as Lord Brown put it,

It seems to me one thing to say ... that within the contracting states there are unfortunately many homeless people and whether to provide funds for them is a political, not judicial, issue; quite

---

<sup>4</sup> Adam case, note 3 above, [66] (Lord Scott).

another for a comparatively rich (not to say northerly) country like the UK to single out a particular group to be left utterly destitute on the streets as a matter of policy.<sup>5</sup>

So would a run-away teen from an abusive home forced to live on the streets be protected by the UK's Human Rights Act?

One way for a human rights charter to deal with this young person's immediate problem would be a provision for the right to adequate housing. Unfortunately, although there are provisions in the UK's Human Rights Act that touch on housing – for example, the rights to privacy and non-discrimination, and in our homeless teen's case, liberty and security of the person – there is no right to housing as such in the UK Human Rights Act. In general, the Act does not protect socio-economic rights, but civil and political rights. As Lord Brown said, in the UK, the right to housing has in large measure been treated as a political, rather than a legal issue. So, to misquote Anatole France, in the United Kingdom, 'the law, in its majestic equality permits the rich as well as the poor to sleep under bridges.'<sup>6</sup>

The same is true of the Victorian Charter of Human Rights and Responsibilities of 2006 and the ACT's Human Rights Act (2004). But a national charter should follow best practice and go beyond the limited model adopted in the United Kingdom.

### **The role of a national human rights charter and socio-economic rights**

Mr Adam's story tells us how a national charter of human rights is an important aspect of good governance. But it leaves us with the question, is it true that socio-economic rights – the right to education, the right to adequate housing, the right to health care and to adequate nutrition, the right to work – are political and cannot be legally enforced? Don't these things require money? Shouldn't politicians who represent all of us decide where resources are directed?

Well yes, and no. Traditionally respected civil rights such as the right to a fair trial also require money. The minute the state gets involved in an individual's life – whether it is to take something away, like liberty, or to give something to them, like an education – money is involved. So most rights carry a cost, and politicians are not necessarily the only ones who should have a role in judging how that cost is borne. In particular, when politicians play wedge politics and decide to pick on some groups in order to appeal to

---

<sup>5</sup> Adam case, note 3 above, [99] (Lord Brown). For analysis of the limited basis of the decision see Denise Meyerson, 'Equality Guarantees and Distributive Inequity' (2008) *Public Law Review* 32; Colin Warbrick, 'Economic and Social Interests and the European Convention on Human Rights' in Baderin and McCorquodale (eds), *Economic, Social and Cultural Rights in Action* (Oxford University Press, 2007), 241.

<sup>6</sup> The original refers to the law 'forbidding' these activities.

the worst in the rest of us, the courts have an invaluable role in stopping the discrimination. This assists in keeping government's eye on the ball – the provision in a positive sense for a country's inhabitants, instead of distracting attention by creating a moral panic over border control, gay marriage or whatever else is convenient. But a national charter could and should do more than outlaw discrimination. It should spell out in a positive way what our economic, social and cultural rights are, so that governments acknowledge that in modern Australia, we do expect children to have enough to eat, we do expect that there will be great schools where Aboriginal children live, we don't want people living on the streets, and we want meaningful employment in this globalised economy.

Some of the earliest thinking about rights recognized the importance of socio-economic rights. While the original French Declaration on the Rights of Man and the Citizen of 1789 was mainly about civil liberties, just five years later the French were talking about socio-economic rights like the right to work in the French Declaration on the Rights of Man and Citizen of 1793. The current French Constitution continues to protect the right to work and other socio-economic rights. In fact, if we just look at the right to work, there are around one hundred constitutions that protect the right to work in some form. Not all of them allow for litigation about this right in the courts – some just act as a guide to government policy – but many do.

In the modern age, we need the state to provide certain things like health care and education, and traditionally, Australians have accepted that governments are there to do some things for us, as well as to enable all of us to do things on our own. Not much point electing and paying politicians, otherwise. We could just leave it all to the market and our lives would be 'nasty, brutish and short', or at least, seriously diminished. The current global financial crisis tells us what happens when governments take a completely hands-off approach. Living near Detroit as I do, this lesson is painfully apparent.

So do rights have a role in regulation, or should we just rely on democracy and our politicians to do the job? Traditionally, Australians have not relied on rights, but democracy and the 'fair go'. But perhaps we should spell out what we mean by a 'fair go' in order to guide the politicians, administrators and courts who make important decisions about our lives. This is really what the national human rights consultation is all about. Do we want to elect politicians on faith and then live with any damage until next election? Alternatively, do we want to enshrine the idea of a fair go in legislative form and set up some mechanisms so that ordinary citizens have input more regularly than periodic elections? And when judges are called upon to interpret legislation and government officials to apply it, do we want them to have the 'fair go' in mind as well? I think that a national charter of rights is a good start to encapsulating what we mean by a fair go.

If we agree that a national human rights charter is worthwhile, why not include socio-economic rights? The United States doesn't do it (could that be part of the United States' problem?) but other countries and

regions do. There are also many United Nations treaties that protect these rights, and Australia is already a party to all of them.

To begin with, there is the major United Nations treaty – the International Covenant on Economic, Social and Cultural Rights. Late last year, the UN General Assembly adopted a protocol to that treaty that will allow individuals to complain to a UN committee about their right to housing, health, education, work and so on. Australia is already a party to the Covenant, although we'll have to see whether the government will also ratify the protocol and allow us to complain to the UN if the government doesn't come good on its promises.<sup>7</sup> Sometimes, because human rights intersect with each other and support each other (as in Mr Adam's case where homelessness equals degrading treatment), the UN Human Rights Committee – which supervises the other major UN treaty, the International Covenant on Civil and Political Rights – also rules on socio-economic rights. It has said a number of times that a country cannot unjustly discriminate when it makes welfare payments. Australians can and do complain to the Human Rights Committee. Socio-economic rights are also protected in two major treaties on discrimination – the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women. Australians can make complaints to the committees that supervise these treaties, too.

So Australia says to the international community that Australia respects these socio-economic rights. But if we don't have a system in place to keep government accountable, how well are the rights protected? And why would we say one thing at the United Nations, and another thing at home? Why do people have to write to Geneva; why can't we fix the problem at home? Home is where it really matters – where rights are made meaningful. The UN just serves as a reminder of our obligations.

In other parts of the world, there are regional human rights treaties that protect socio-economic rights. For example, there is the European Social Charter. It has allowed collective complaints (about the operation of a particular law by a group such as a union, for example) to a committee of experts for some time. And it is interesting to see who complains. There have been complaints by Roma ('gypsies') about discrimination with respect to housing and by police unions about their conditions of work. Everyone gets a fair go. The African Charter on Human and Peoples' Rights also protects socio-economic rights and individuals can complain to the African Commission on Human and Peoples' Rights. There is a new and still evolving Court involved in this system that will be empowered to hand down rulings on these issues, too. The Inter-American human rights system also protects socio-economic rights. It too has a Court that has handed down some really important decisions on these issues, although I don't think the system is as simple and clear as it should be.

---

<sup>7</sup> The Protocol is not open for signature until 24 September 2009.

And then there are national bills of rights. As other submissions to this consultation have pointed out, the South African constitution contains socio-economic rights and there have been a number of important decisions from that country's highest courts on housing, health care, work, education and social security<sup>8</sup> demonstrating that it is possible and desirable for the courts to have a role in ensuring that all rights for everyone are respected.

Of course, ringing endorsements of rights in courts and committees mean nothing, if governments do not act on them. Human rights laws, just like any other laws, are not the solution to everything. Frequently, they are just the start of a conversation about particular problems. However, in a system like Australia's where the rule of law is strong, I think a national charter of rights would have real bite.

### **In support of the 'dialogue model': having more meaningful conversations about governance in between elections**

The model of human rights legislation adopted in the UK, the ACT and Victoria is an ordinary piece of legislation which gives courts a new role in interpreting all other legislation, but does not give the courts the final say. The most that a court can do is read legislation so that it is consistent with human rights, or, if this is not possible, a 'declaration of incompatibility' may be made in which the court says the legislation being interpreted is simply inconsistent with human rights. After a declaration of incompatibility, it is then up to parliament to decide what to do. Indeed, the primary focus is not on litigation, but on getting legislation right in the first place with new bills being vetted for human rights compliance and accompanied by a human rights 'statement of compatibility.'<sup>9</sup>

In all these jurisdictions, it is possible in theory for parliament not to act on a declaration of incompatibility, although in the United Kingdom, I don't think this has ever happened. The UK parliament has responded by amending the relevant legislation so as to comply with the judicial decision. It is also possible for parliament to respond legislatively to judicial interpretations with which it disagrees

---

<sup>8</sup> *Soobramoney v Minister of Health, KwaZulu-Natal* 1997 (12) BCLR 1696; *Government of the Republic of South Africa v Grootboom and Others*, 2000 (11) BCLR 1169 (CC); *Minister of Health and Others v Treatment Action Campaign and Others (1)* 2002 (10) BCLR 1033 (CC); *Khosa v Minister of Social Development; Mahlaule v Minister of Social Development* 2004 (6) BCLR 569 (CC); *Minister of Home Affairs and Others v Watchenuka and Another* [2004] (2) BCLR 120 (SCA); *The Union of Refugee Women and Others v Director, Private Security Industry Regulatory Authority and Others* [2007] (4) BCLR 399 (CC).

<sup>9</sup> For an accessible description of the Australian models see Andrew Byrnes, Hilary Charlesworth and Gabrielle McKinnon, *Bills of Rights in Australia* (UNSW Press, 2009).

and enact legislation that is deliberately inconsistent with the human rights charter,<sup>10</sup> just as it could repeal the charter altogether. This ability of parliament to enact legislation in response to what the courts have said preserves the idea of parliamentary sovereignty. There may be certain political costs in parliament using its supremacy to overrule the courts, but this is not necessarily a drawback. Rather it means that the human rights charter has real bite. The idea is that there should be a dialogue about human rights between the judicial and the political arms of government. Parliament really has to engage with the concept of human rights and offer a convincing justification for what it does. If it cannot justify the course of action it currently wants to pursue, parliament may decide to achieve its aim in a way that successfully complies with human rights as interpreted by the courts. I think it is a good thing that legislating simply because the courts' decisions are inconvenient or expose the government to scrutiny should carry a political cost. Unfortunately, in the sphere of migration law in particular, there are many examples where parliament has introduced legislation in response to judicial decisions not because they are wrong in law or in principle, but because the government of the day thought it should be able to determine what happened.<sup>11</sup> Frequently, the result was inconsistent with human rights and often there was a sense that no one would care because the people affected are generally not citizens. Some politicians have demonized the people concerned to ensure that the public doesn't care about legislation affecting non-citizens and often this serves as a convenient distraction from the real issues with which government should be concerned. What did the Tampa incident and the Children Overboard Affair do to make Australians more secure? Nothing. But they helped the Howard government to win another term in office.

In Mr Adam's case, it seems to me that the UK parliament enacted a really awful piece of legislation that was all too likely to result in violations of the UK Human Rights Act, despite the fact that there should have been a robust discussion about human rights before enactment of the legislation. In fact, there were attempts to have a robust discussion, despite efforts by the government to rush the process and the fact that the particular provision involved was introduced as an amendment to a bill thus further limiting time for discussion. The UK parliament's Joint Committee on Human Rights issued two reports on the Nationality, Immigration and Asylum Bill, including a further report that specifically criticized the provision permitting support to be withdrawn from asylum-seekers.<sup>12</sup> It is probably inevitable that legislation will sometimes be passed, despite such criticism. Lip service will be paid to human rights law

---

<sup>10</sup> For a discussion of the options open to Parliament, see Julie Debeljak, *Parliamentary Sovereignty and Dialogue under the Victorian Charter of Human Rights and Responsibilities: Drawing the Line between Judicial Interpretation and Judicial Law-Making*, Monash University Research Paper, No 2007/01, pp 33 - 34.

<sup>11</sup> For an excellent account of the battle between courts and parliament in the area of migration law, see Mary Crock, 'Judging Refugees: the Clash of Power and Institutions in the Development of Australian Refugee Law', (2004) *Sydney Law Review* 51.

<sup>12</sup> See Joint Committee on Human Rights, *Twenty-Third Report: Nationality, Immigration and Asylum Bill: Further Report*, (HL Paper 176, HC 1255), Published 22<sup>nd</sup> October 2002.

and it will be up to the courts to play the role of backstop, scrutinizing the legislation closely and confronting the effects of government action on real people. However in a lot of other cases, the process of requiring ministers to present a 'statement of compatibility' will provoke meaningful discussion about human rights.

Often that discussion goes on behind closed doors in the bureaucracy. Frequently, the discussions are really thoughtful and detailed. As a legal adviser to the ACT's Human Rights Commission, I often witnessed those discussions. I saw that legislation actually changed as arguments based on human rights were articulated. The process can be strengthened if the statement of compatibility does more than simply give the Minister's opinion (as in the ACT) and presents reasons (as in Victoria). Then politicians and the public would all be able to grapple with the Minister's explanation. If a national human rights charter is adopted, reasoned statements of compatibility should be required. Scrutiny by committee like the UK's Joint Committee on Human Rights or the scrutiny of bills committees in the ACT and Victoria should also be required.

The process also needs to be properly funded so that all the players in this conversation can make meaningful contributions. In the ACT, there is just one small unit in the Department of Justice staffed by one to three lawyers who are called on to advise on every single government bill. Serious and regular training of all public servants is required so that they are aware of rights considerations when adopting policy or legislation proposals. Politicians should also receive human rights training.

A national human rights charter should be a compulsory aspect of legal education, practicing lawyers should undergo regular human rights continuing legal education, and judges should also have regular human rights training. As the Human Rights Legal Resource Centre has submitted, there ought to be innovative arrangements to encourage *pro bono* cases (cases brought for the public good). My observation of the ACT's Human Rights Act is that the response of the legal profession to the Human Rights Act has been weak and there is an expectation that the Human Rights Commission will intervene if necessary, even though the Commission is a very small and underfunded body. (I note that the Commission has just had costs awarded against it for pursuing an appeal against a decision of the ACT Administrative Appeals Tribunal that overturned a Commission decision.<sup>13</sup> The case involved a huge American military company that wanted an exemption from the ACT's anti-discrimination legislation so that it could limit the employment opportunities of Australians who had been born in particular countries in order to comply with American regulations.) This reluctance on the part of the legal profession should change given the addition of a free-standing right of action against public authorities for violations of

---

<sup>13</sup> *ACT Human Rights Commission v Raytheon Australia Pty Ltd, Aerospace Technical Services Pty Ltd, Australian Maritime Surveillance Pty Ltd, Aeronautical Consulting Training and Engineering* [2009] ACTSC 55. A summary of the decision is available at the ANU's database of cases under the ACT Human Rights Act: <http://acthra.anu.edu.au/cases/case.php?id=106>

human rights – a provision that is essential to a national charter of human rights as well – but education is still essential.

The Australian Human Rights Commission would obviously have functions under a national human rights charter similar to the inquiries it already undertakes and the ‘audit power’ in section 41 of the ACT’s Human Rights Act which enables the Commission to look at systemic human rights problems. As the lead researcher and author of one of the ACT’s human right audits, I can say that this function requires higher levels of funding. As suggested by the Human Rights Law Resource Centre in its submission, community legal services should also receive human rights funding. I was once on the board of a little organization in Melbourne called the Refugee Advice and Casework Service (now the Refugee and Immigration Legal Centre) when funding was very short term and strings were attached. The lawyers, who didn’t earn very much, just kept going like true professionals, despite the fact that we would have board meetings not knowing whether the organization would still be in business by the time of our next meeting. If government is serious about accountability, it should ensure that these organizations are funded, and it certainly should not seek to muzzle them.

Human rights should also be incorporated into schools’ curricula, meaning that teachers should receive training in human rights, and the Australian Human Rights Commission and state and territory human rights and/or equal opportunity commissions should be funded to train teachers in human rights. With a national charter that sets out the core of this educative process, we would all learn how to better respect and protect human rights.

There are other processes that should be improved and reformed too. The background paper suggests a human rights parliamentary secretary. What a good idea. A human rights Minister or parliamentary secretary could play a more positive role in the promotion of human rights, instead of just ensuring that legislation and policy does not breach human rights. This Minister could hold regular human rights consultations with community organizations.

The process of periodic reporting by Australia to the UN human rights committees also needs some work. Recently, there was a process of consultation around the report to the Committee on the Elimination of Discrimination against Women. This precedent should be consolidated. From the sidelines, it seems to me that the process of reporting is generally not an ongoing, stream-lined process where the delegation to Geneva takes back the concluding observations of the committees, announces them to the public, consults with all the relevant actors and then demonstrates that Australia is constantly improving its record after a

timely, well-coordinated information-gathering process. Indeed, in some cases in the past, all the government did was criticize the committees for telling the truth.<sup>14</sup>

### **Meaningful protection for refugees and all of us**

To finish, I want to return to Mr Adam and to comment on Australia's own refugee policies.

In 2001, the federal election was won in an atmosphere of fear generated by the events of September 11<sup>th</sup> and then capitalized upon by politicians who told the Australian public that boat people were terrorists who threw their children overboard. The so-called 'Pacific Solution' which sent asylum seekers to Nauru or Papua New Guinea where they stayed in a black hole of indefinite detention, sometimes developing psychiatric illnesses, should never happen again. Mandatory and prolonged detention of child asylum-seekers should never happen again.

A national charter of human rights is the place to address the rights of refugees, because immigration is a Commonwealth responsibility. And the national charter should say that refugees and asylum-seekers are entitled not only to be protected from return to a place of persecution, but to enter Australia and enjoy meaningful protection of all their human rights. Alternatively, they should be protected from return to a place of persecution and given meaningful protection of human rights in Australia or any other 'safe third country' to which Australia might send them. (My preference is that refugees and asylum-seekers should be granted a right to enter since it is unfair for Australia to insist that refugees go elsewhere.) I think either option would help to prevent Australia from sending refugees somewhere that an Immigration Minister says is 'safe' but which actually entails a violation of human rights like mandatory and indefinite detention. They should also help to prevent parliament from enacting legislation like the legislation that denied Mr Adam the right to work and any form of social support, or the current legislation in Australia that arbitrarily denies the right to work to many asylum-seekers.

Asylum-seekers, like Australian citizens, are human beings. The Rudd government has undertaken some important reforms that are premised on that simple fact. I think we need to ensure that these reforms have a firm legislative basis. I think we need to tell our politicians loudly and clearly that we are tired of the story that a few boatloads of people who have admirable qualities like fortitude and perseverance are threats. In a world where credit default swaps on Wall Street can wreak havoc on Bourke Street and Pitt Street, we're not buying the myth that border control is keeping us safe. We expect politicians to craft

---

<sup>14</sup> For an account of Australia's reaction to the criticism by the Committee on the Elimination of Racial Discrimination see Spencer Zifcak, *Mr Ruddock Goes to Geneva* (UNSW Press, 2003).

meaningful solutions for all the challenges we face. We want the creation of meaningful jobs; education that helps us all to fulfill our potential; and adequate mechanisms to protect our environment. We expect more say in how this is done, and we want to hold government accountable every day. A national human rights charter is a step in the right direction.