

National Human Rights Consultation Submission

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Submission Text:

The Government background paper states "human rights are about equality and fairness for everyone".

While there are areas where human rights could be extended or improved there are grave concerns about the present position owing to legislation brought in by the previous Federal Government, where basic human rights under the current law have been drastically reduced or destroyed.

These fundamental rights include the presumption of innocence, the right to silence, that confessions obtained under duress including long periods of detention and interrogation are inadmissible, and in criminal matters that the prosecution must prove its case beyond reasonable doubt.

To say that these fundamental rights should not apply in the case of "terrorists" is to prejudge a person's guilt or innocence.

Nor does it stop there. The 2002 ASIO legislation as amended permits incommunicado detention of people not suspected of any wrong if they are thought to have any information about others suspected of terrorism. These persons may be taken into isolated custody and will not be able to tell family or friends where they are. When released they are not allowed to tell anyone where they were or what happened to them on fear of imprisonment.

There are similar provisions relating to preventive custody orders.

The recent case of Dr Haneef shows how the authorities that can initiate these provisions can get it so wrong.

Unless the present government is prepared to repeal such iniquitous infringements of human rights its professed interest in human rights may seem a little hollow.