



Inquiry into Australia's Human Rights Framework

SUBMISSION
to the
Parliamentary Joint Committee on Human Rights

23 June 2023

About the African Australian Advocacy Centre (AAAC)

The AAAC promotes and advocates for the human rights of African Australian communities through advocacy, research, and collaboration with different not for profit groups and other stakeholders, including all levels of government, academia, and business.

The AAAC's goals are:

- to see the African Australian communities recognised as an integral and valuable part of Australian society;
- to strengthen the social cohesion, equality, fairness, and opportunities for members of African Australian Communities; and
- to build inclusive communities, improve outcomes and create sustainable opportunities for African Australian communities.

The AAAC supports a national Human Rights Act

Australia is the only western liberal democracy that does not have a national human rights act that protects everyone's civil, political, economic, social, and cultural rights. While the ACT, Victoria, and Queensland have their own human rights legislation, over 13.7 million¹ persons in the other states and territories are without full protection of their rights due to lack of comprehensive human rights legislation. Further, Australia has obligations under international law arising from the various human rights treaties it has ratified. It is time to fulfil these obligations through the legislating of a national human rights act that will benefit the whole community.

A key human rights concern facing some of the AAAC's community members and supporters is racism. This was a major issue addressed by the UN Working Group of Experts on Persons of African Descent (WGEPAD) during its visit to Australia in December 2022. In its preliminary report, the WGEPAD highlighted concerns regarding 'the prevalence of racial discrimination and the human rights situation of Africans and persons of African descent in Australia'.² Human rights issues raised in the report, include serious abuse and suspicious deaths in detention; the use of indefinite detention; and racism by immigration support service providers. These findings reinforce the need for a national human rights act that protects *everyone's* rights, regardless of who they are and where they live.

A legislated national human rights act would expressly articulate Australia's human rights obligations and impose a positive duty on Federal public authorities to consider human rights when drafting laws and policies. It would also require governments and their civil servants to consider and respect human rights when delivering services, including service providers working on behalf of the Federal Government. Enforcement of this positive duty helps to ensure compliance of human rights obligations and the prevention of future human rights breaches.

Greater community awareness and understanding of human rights may also be generated by a national human rights act. Providing a single point of information that lists all our rights, people can learn about their rights and be empowered to seek remedies if they are breached. It also has the potential to foster greater understanding of and respect towards the rights of others. A society that respects the rights of all is one that is fairer and equitable.

The AAAC supports the position paper prepared by the Australian Human Rights Commission, which is an appropriate starting point for consideration of national human rights act.

In conclusion, the AAAC makes the following recommendation:

Recommendation 1: The *Inquiry recommends the Federal Government legislates a Human Rights Act* to ensure the human rights of all are enshrined in a single piece of legislation, with the provision of accessible and effective remedies for breaches of these rights.

¹ ABS population statistics per state as at December 2022, released on 15 June 2023, available at: <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>

² End of Mission Statement by the UN Working Group of Experts on People of African Descent on the conclusion of its official visit to Australia, available at: <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgepad/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>. It will present the final report of its visit to the UN Human Rights Council in September 2023.