

I wish for the Senate to consider Australia's international obligations under the Human Rights Conventions signed by Australia but never implemented into Australian domestic laws. Human rights are inalienable and I quote Article 4 of International Covenant on Civil and Political Right that restricts the derogation of human rights of citizens on times of emergency that are publicly proclaimed. As no case of public emergency has been declared the proposed terrorism legislation contravenes this international covenant.

Article 4

International Covenant on Civil and Political Rights

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

2. I also urge the Senate to observe the principles on combatting international terrorism as laid out in the Berlin Declaration by the International Commission of Jurists, as attached to this submission.

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