



**Australian
Human Rights
Commission**

everyone, everywhere, everyday

3 February 2009

Peter Hallahan
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs

My email: legcon.sen@aph.gov.au

Dear Mr Hallahan,

**Inquiry into the Disability Discrimination and Other Human Rights Legislation
Amendment Bill 2008: responses to questions taken on notice**

The Australian Human Rights Commission provides the following responses to questions posed by Senator Barnett:

1. Senator Barnett asked the Commission whether 'unborn Australians have protection' under the Disability Discrimination Act. In the Commission's view, because the DDA applies only to particular aspects of public life, such as employment, education and access to premises, it does not have any practical application to the unborn child.
2. The Senator also asked whether any UN conventions refer to protection for babies in utero. The Commission is not aware of any express protection of the rights of babies in utero in UN conventions. In particular, the UN Convention on the Rights of Persons with Disabilities makes no reference to unborn children or babies in utero.

Yours sincerely,

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