



## What are Human Rights?

Human rights are fundamental standards that recognise and protect the dignity and equality of all people. These rights cannot be taken away or given up. Having human rights comes with the responsibility not to infringe the rights of others. Human rights standards create a framework from which to condemn and resist the abuses and violations of rights that occur every day around the world.

## Australia and Human Rights Law

Since the end of World War 2, the United Nations has developed international human rights treaties dealing with different aspects of human life (also called “conventions” and “covenants”). By signing up to many of these treaties, Australia has said to the world that it promises to uphold the rights written in the documents. Some of the rights in the treaties have been turned into laws within Australia – eg anti-discrimination laws, and the “best interests of the child” focus of family law.

However, Australia has not turned all of its treaty obligations into law; and is one of very few countries in the world that doesn’t have its own Bill of Rights or Human Rights Act. This means that there is no guarantee of protection in Australia against breaches of human rights.

## The Rights of the Child

Australia has signed up to the United Nations Convention on the Rights of the Child (CROC). Although Australia hasn’t made a law to enforce all its obligations under CROC, by signing the treaty the Australian government has recognised that it should be protecting children’s rights.

CROC applies to all under-18 year olds. Contrary to common myths about children’s rights, the treaty does not allow you to over-ride authority, disrespect teachers or divorce your parents!

But it does give you lots of rights in areas including:-

- expressing your views on issues affecting you;
- freedom from violence, neglect, abuse and exploitation;
- being raised in your own family or other nurturing family environment;
- freedom of culture and religion;
- access to media to obtain beneficial information
- rights to adequate healthcare, housing and education;
- assistance to meet the needs of children with disabilities.

## Discrimination

Discrimination occurs when someone is treated less favourably than other people, because of a particular characteristic or membership of a particular group. Anti-discrimination law doesn’t stop all unfair treatment. Instead, it specifically deals with discrimination based on race, sex/gender (including pregnancy), disability, age, marital status, carer/family responsibilities, sexual preference and transgender status. Discrimination on these grounds is unlawful if it happens in employment, education, access to goods and services, accommodation, and registered clubs. Some exceptions apply. If you believe you have been discriminated against, you can seek legal advice (see Help points on the back of this page), and/or make a complaint to the Australian Human Rights Commission or NSW Anti-Discrimination Board. Most discrimination complaints are resolved by a “conciliation” process, which doesn’t involve going to court. Outcomes of successful claims may include an apology, changes to policies and procedures, financial compensation, or simply raising awareness for the benefit of other people in a similar position.

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While it might seem that a discrimination complaint is not worth the hassle, remember that if no-one ever speaks out or stands up against prejudice, then prejudiced people and their ideas will never change!

## HELP POINTS

**NSW Anti-Discrimination Board**

[www.lawlink.nsw.gov.au/ADB](http://www.lawlink.nsw.gov.au/ADB)

**1800 670 812**

**Australian Human Rights Commission**

[www.humanrights.gov.au](http://www.humanrights.gov.au)

**1300 656 419**

**“What’s Up Croc?”**

*(Information on the Convention on the Rights of the Child)*

[www.ncylc.org.au/croc/home](http://www.ncylc.org.au/croc/home)

**Shoalcoast Community Legal Centre**

[www.shoalcoast.org.au](http://www.shoalcoast.org.au)

**4422 9529** *(Shoalhaven)*

**1800 229 529** *(Eurobodalla and Bega Valley)*

**Legal Aid NSW**

**Nowra office 4422 4351**

**Australian Centre for Disability Law**

[www.disabilitylaw.org.au](http://www.disabilitylaw.org.au)

**1800 800 708**

**LawAccess NSW**

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

**1300 888 529**

*\*Information correct as at September 2013*