



Why are Human Rights, the Law & Discrimination important in Viral Hepatitis: *a brief overview...*

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Overview

- Provide a backdrop to specific issues to be discussed and explored in this session
- What are/is:
 - Human rights?
 - Stigma?
 - Discrimination?

What legal protections exist at international and Australian law in relation to human rights and discrimination?

What are Human Rights?

▪ Human Rights:

- are about basic rights and freedoms;
- are about recognising and respecting the inherent value and dignity of all people

What is Stigma?

▪ Stigma:

- A mark of disgrace that sets a certain person apart;
- A degrading and debasing 'attitude' of society that discredits a person (or group of people) because of an attribute (such as illness, disability, race, gender, sexual orientation, sexual identity, occupation (sex work) or because they use illicit drugs);
- It destroys a person's dignity, marginalises affected individuals, violates basic human rights, markedly diminishes the chance of the stigmatised person achieving full potential and seriously hampers the pursuit of health, happiness and contentment.

What is Discrimination?

▪ Discrimination:

- the 'act' of treating someone differently to another person (s) in the same context or situation based on an irrelevant characteristic;
- And in doing so, denying a person(s) access to employment, education, goods (including medications) or services (including health & social services);
- Grounds of discrimination/treating a person(s) differently on the basis of for example:
 - Gender;
 - Race;
 - Sexual orientation;
 - Cultural background;
 - Disability.

@ International Law

- Australian Constitution – no fundamental rights and freedoms (unlike US & Canadian Constitutions)
- Debate/discussion continues in the public domain about need for Australian Charter of Rights to protect human rights broadly and on the need for specific Constitutional reform
- This doesn't mean there are no legal protections in relation to basic rights
- Australia (along with many other countries) is a signatory to a number of international treaties some of which are directly focused on human rights protections
- These form the basis of Australia's obligations at international law and then given effect through domestic law

@ International Law

- Seven main international human rights treaties that are monitored for compatibility at Australian domestic law through the Human Rights (Parliamentary Scrutiny) Act 2011:
 - International Covenant on Civil and Political Rights (ICCPR)
 - International Covenant on Economic, Social & Cultural Rights (ICESCR)
 - Convention on the Elimination of All Forms of Racial Discrimination (CERD)
 - Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)
 - Convention Against Torture (CAT)
 - Convention on the Rights of the Child (CRC)
 - Convention on the Rights of Persons with Disabilities (CRPD)

@ Domestic Law

▪ Human Rights Acts:

- Only 2 Australian jurisdictions with Human Rights Acts
- ACT & Victoria
- Largely focused on parliamentary scrutiny and legislative compliance to ensure that legislation is compatible with human rights and promotes and protects human rights
- In addition to legislation - also expressed in/can contribute to government policy - National Strategies including in the 5 new national BBV/STI in strategies
- Human rights compliance monitoring occurs through Parliamentary Joint Committee on Human Rights which reports to both houses of Parliament (Reps & Senate)

@ Domestic Law

▪ Anti-Discrimination Legislation:

- **Federal Anti-Discrimination laws:** give effect to Australia's international human rights obligations:
 - Race Discrimination Act
 - Sex Discrimination Amendment Bill Act 2013
 - Age Discrimination Act
 - Disability Discrimination Act
 - Ratification of international treaty obligations into domestic law – Convention on Rights of Child
- **State Anti-Discrimination laws** – cover same grounds but some gaps between Commonwealth & state laws or where only state or only Commonwealth law will apply
- **Case law** – court decisions that provide interpretations of law