

Women's International League for Peace and Freedom, Australian Section Inc

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO
Consultative Relations with FAO, ILO, and UNICEF



Australian Section

WILPF 1915-2015 The Honourable Quentin Bryce AD CVO Centenary Patron

1915-2015 WILPF celebrates 100 years of peace and human rights building

Submission to the Legal Affairs and Community Safety Committee on the appropriateness and desirability of A HUMAN RIGHTS ACT FOR QUEENSLAND

TO: Mr Mark Furner MP, Member for Ferny Grove, Chair
Mr Jon Krause MP, Member for Beaudesert, Deputy Chair
Miss Verity Barton MP, Member for Broadwater
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FROM: The Women's International League for Peace and Freedom –Australian Section (WILPF)

WILPF-Australian Section credentials

WILPF-Australian Section, a non-profit, volunteer, incorporated non-government organisation (NGO), is part of a global NGO, with Geneva and New York-based permanent Secretariats. WILPF has Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO, and Consultative Relations with FAO, ILO and UNICEF. An apolitical and secular WILPF joins a variety of consultative alliances and collectives, providing links to government to lobby on relevant issues.

WILPF is committed to disarmament, the peaceful resolution of conflict, and to promoting economic, political & social justice. WILPF aims to end and prevent conflict by peaceful means, ensure that women are represented at all levels in the peace-building and reconciliation processes, and to defend the human rights of all people, especially women. The International Secretariat works with more than 30 National Sections, for conflict resolution, and to strengthen human rights and freedoms at every level, from grassroots to the highest UN decision-making bodies.

Is it appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland, other than through a constitutionally entrenched model?

As a global organisation working to prevent the root causes of war, we note that wars are invariably fought where the oppressor ignores the universal truth that ***all human beings are born free and equal in dignity and rights***, and seeks to take by force, the rights and freedoms of the oppressed.

While not a minority, women, and the children they protect and care for, along with minority and vulnerable communities, are oppressed by discriminatory and detrimental prejudices and omissions that are inherited from Queensland's founding legislators, influenced by 19th century, highly class-structured, patriarchal Anglo-Saxon sensibilities. It is timely that Queensland's Legislature, sets an overarching statute in place to ensure the post WWII lessons of peace and freedom are embedded in all laws, designed to allow Queenslanders to live in peace, freedom, orderly prosperity and justice.

It is appropriate and desirable that the current Queensland Parliament, with the benefit of almost 70 years of United Nations Declarations, Covenants, Conventions and Treaties relevant to Human Rights Law; with present Legislators, far more representative of Queensland's multicultural and pluralistic communities; to legislate a Human Rights Act and to undertake law reform and government practices reform, within its overarching standards.



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Consider the effectiveness of current laws and mechanisms for protecting human rights in Queensland and possible improvements to these mechanisms.

WILPF's mandate of peace and freedom fully acknowledges that exercise of rights are tempered with responsibilities and constraints, that impact differently on different communities and their values. Legislating a balance of sometimes-conflicting exercise of universal rights is a challenge for Elected Representatives – a challenge made more difficult without reference to the overarching standards of Human Rights Laws. Laws without conformity with universal and internationally accepted standards cannot be regarded as just, and surely make the responsibility of government and decision-making more difficult, and less acceptable to those who are governed.

As an INGO with an active Queensland Branch, we would commit to participating in all law reform and government procedures reform, which would logically follow the legislation of an overarching Human Rights Act.

There are many previous studies and analyses of the implementation of statutory human rights instruments. WILPF's experience of these is in international jurisdictions. It is not the expertise or mandate of our organisation to add original research or observations to the other 3 areas to be considered by the LA & CS Committee. The WILPF-Australian Section was very active in the campaign for a human rights act in the ACT.

If the LA & CS Committee's recommends legislation of a Human Rights Act for Queensland consider:-

- a. the objectives of the legislation and rights to be protected;**
 - b. how the legislation would apply to: making of laws, courts and tribunals, public authorities and other entities;**
 - c. the implications of laws and decisions not being consistent with the legislation;**
 - d. the implications of the legislation for existing statutory complaints processes; and**
 - e. the functions and responsibilities under the legislation.**
- a. Human Rights are universal, inalienable and indivisible. It is appropriate and desirable that all rights of the Universal Declaration of Human Rights and the 6 other International Covenants that are generally referenced by Australia in human rights matters, be covered in Queensland's legislation. Human rights must be accessible to the worst of us and the best of us in order to protect all of us. WILPF's observations over 100 years, is that inequality and injustice in access to human rights are the root causes of wars and conflicts.
 - b. WILPF would consider universal coverage by the standards of a Human Rights Act as equally applicable to the governance of commercial and civil society organisations, as to the Justice System and Public Service.
 - c. WILPF would anticipate law reform processes which are consultative of all Queensland communities, with particular emphasis on inclusion of women's voices and the voices of minorities and vulnerable groups.
 - d. WILPF would see a Human Rights Act as the overarching set of standards to which existing processes would be reformed and amended, in order to conform with seamless effectiveness.
 - e. The laws and the rights and responsibilities are equally applicable to all organisations and individuals – legislature, judiciary, public service, commerce, and civil society.

*Everyone is entitled to all the rights and freedoms in this (Universal) Declaration (of Human Rights), without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property **or other status**....No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

Yours in peace

Maree Klemm
Vice-president - Growth



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