

Statement from the President

This Annual Report reflects the commitment and dedication of the Commissioners and staff at the Human Rights and Equal Opportunity Commission (HREOC) to the promotion and protection of human rights in Australia. Over the 2006–07 reporting period HREOC has acted on a broad range of challenging and complex human rights issues.

As the independent body charged with the statutory responsibility of upholding human rights in Australia, our work during the last 12 months has focused on defending human rights principles at fundamental levels. Many significant achievements are recorded in the preceding pages. I take this opportunity to commend and thank the Commissioners, their units, and all HREOC's staff for their efforts over the past 12 months.

I record my thanks to Ms Pru Goward, and the gratitude of everyone at HREOC, for her outstanding service as Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination. Following leave of absence from November 2006, Ms Goward resigned to take up a new career in politics in March 2007. During her six years as Sex Discrimination Commissioner she advocated tirelessly for the advancement of human rights, particularly for the equality of women in the workplace and in the community generally. She was the visionary behind the Sex Discrimination Unit's major project on balancing paid work with family responsibilities. The project's final paper *It's About Time: Women, men, work and family* was launched in March 2007 and is the result of two years of research and national community consultation. The paper contains 45 broad-ranging policy recommendations, including the proposal for new legislation to provide protection from discrimination in the workplace due to family responsibilities.

For the last eight months of the reporting period I acted in the position of Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination. During this time I had the opportunity to participate in community forums around the country on *It's About Time: Women, men, work and family*. The feedback we received from these forums has clearly demonstrated how central the issue of work/life balance is to both individuals and families across their life course, and how important it is that all Australians, men as well as women, are given real options for balancing paid work and unpaid family care responsibilities.



The Hon. John von Doussa QC
President
*Human Rights and Equal
Opportunity Commission*

Another key publication released by HREOC was the Report of the *Same-Sex: Same Entitlements* Inquiry. The Report, which was launched in Sydney in June 2007, put federal laws under a human rights microscope to identify the discrimination faced by people in same-sex relationships in accessing basic financial and work-related entitlements. It found that 58 federal laws discriminate against more than 20 000 Australian same-sex couples. Importantly, the Report highlighted how easily discrimination against same-sex couples can be eliminated by legislative amendment. The recommendations made in the Report have received broad-based public support.

In December 2006, HREOC welcomed the adoption of the Convention on the Rights of Persons with Disabilities by the United Nations General Assembly, and on 30 March 2007, we applauded the Australian Government for being among the first countries to sign the Convention on the day it opened for signature. Australia is now working towards early ratification of the Convention, which will mark another important step towards the long overdue recognition that people with disabilities and their families are entitled to the full range of human rights.

HREOC has continued to pursue projects aimed at supporting Muslim and Arab communities to respond to anti-Muslim prejudice and vilification. This work has been significantly strengthened as a result of funding HREOC has received under the federal government's National Action Plan to Build on Social Cohesion, Harmony and Security (NAP). As a result of this funding, in early 2007 HREOC established a new Education and Partnerships Section within the Race Discrimination Unit. Initially, activities have focused on two principle areas: working with young Muslim and Arab Australians and law enforcement. A summary of HREOC's projects under the NAP is outlined in Chapter 10 of this Annual Report.

May 2007 marked the 40th anniversary of the 1967 referendum which changed the provisions of Australia's Constitution relating to Indigenous people. This anniversary added a sad irony to the release of the *Little Children are Sacred* Report by the Board of Inquiry into the Protection of Aboriginal Children from Sex Abuse just one month later, in June 2007. In response to this report, the Australian Government announced its 'Emergency Response' to protect Indigenous women and children in the Northern Territory. While HREOC welcomed the government's commitment to take immediate protective action, we were concerned that the proposed measures raised a host of fundamental human rights issues. HREOC urged the government to ensure that the approach adopted was consistent with Australia's international human rights obligations.

The legislation to implement the 'Emergency Response' expressly provides that the package of measures are 'special measures' under the *Racial Discrimination Act 1975* (RDA), and that the RDA does not apply to administrative action taken under the legislation. These provisions put at risk Australia's proud reputation as a nation committed to upholding international human rights principles and its commitment as a State Party to the *International Convention on the Elimination of all Forms of Racial Discrimination*. To meet these obligations, and to ensure racial equality, it is now critical that there be comprehensive consultation with the communities affected. Steps must be taken to ensure that they understand the new measures and have realistic opportunities to participate in the implementation of programs that are intended to improve their wellbeing. The commitment of government to ensure the success of the measures provides an historic opportunity to deal with the tragic

situation of Indigenous Australians. However, unless there is culturally appropriate and meaningful consultation, and respect given to the wishes of the communities affected, HREOC is concerned that the laudable object of the legislation will not be achieved. In the coming year HREOC will be closely following the progress of the 'Emergency Response', and seeking to offer assistance and advice on human rights issues that arise.

Through the many public submissions made during the reporting period HREOC has contributed to policy development and legislative review on a number of human rights issues. Through our Legal Section, we have intervened or appeared as *amicus curiae* in a number of significant matters before the courts. Through submissions and forums HREOC has continued to emphasise the need for counter-terrorism measures to be compatible with human rights standards and uphold the rule of law. We have also focused on the issue of giving assistance to overseas criminal investigation agencies where there is no guarantee in place that the assistance will not expose a person to the risk of the death penalty overseas.

Our Complaint Handling Section has again improved its figures for the reporting period, finalising 94 percent of complaints within 12 months, despite the fact that the number of complaints received increased from previous years.

Our education activities have advanced considerably over the last 12 months as we continue to develop curriculum-linked human rights education resources specifically for use in upper primary and secondary schools. The resources draw on students' own experiences to develop their awareness of human rights principles and have focused on issues that come within HREOC's statutory responsibility. Further details on this work are contained in Chapter 2.

Acknowledging its commitment to Reconciliation Australia's National Program of Action for Reconciliation, HREOC has developed a Reconciliation Action Plan (RAP). This was launched on 25 May 2007. The RAP identifies action to be taken by HREOC across the areas of: cultural recognition and awareness; education, promoting understanding and public discussion of Indigenous peoples rights; Indigenous employment with HREOC; human rights compliance; celebration and commemoration; and responsibility for implementing the RAP.

As the substance of this Annual Report attests, the principle focus of HREOC's work is on the protection and promotion of human rights within Australia. However, we also participated extensively in the activities of regional and international human rights mechanisms over the 2006–07 reporting period.

HREOC continues to engage with the Asia-Pacific Forum of National Human Rights Institutions (APF), and participates in meetings and workshops which focus on training, networking and resource sharing with other member institutions in the region. HREOC also continues its involvement with the International Coordinating Committee of National Human Rights Institutions (ICC), and attended its biennial conference in Bolivia in October 2006.

In the last year, the newly-established United Nations Human Rights Council, which is based in Geneva, completed its 'institution building' process. One of the contentious issues that arose in this process was the role that national human rights institutions

(NHRIs) should play in the work of the Council and the procedures that should govern their participation. It is pleasing to report that NHRIs were able to lobby effectively for their role in the Council to be recognised in the new Rules of Procedure adopted on 19 June 2007, and in fact expanded beyond the role previously recognised in the former Human Rights Commission. In June 2007 I travelled to Geneva to support these lobbying efforts and to participate in the discussions over the institution building text. More detail of HREOC's international activities is reported in Chapter 11.

I conclude by again emphasising my appreciation for the staff at HREOC. I look forward to working with the Commissioners, their Units, and all HREOC's staff to build upon the excellent work undertaken over the last 12 months and to meet the challenges of the coming year.

I commend this Annual Report.

A handwritten signature in black ink, reading "John von Doussa". The signature is written in a cursive style with a large, looping initial "J".

John von Doussa QC