



## FACT SHEET 6:

# How States commit to human rights treaties

The process of committing to international human rights treaties involves:

### SIGNING INTERNATIONAL HUMAN RIGHTS TREATIES

If Australia signs an international human rights treaty it is making a preliminary endorsement of the treaty.

Signing the instrument does not create a binding legal obligation but does demonstrate the State's intent to examine the treaty domestically and consider ratifying it.

### RATIFYING INTERNATIONAL HUMAN RIGHTS TREATIES

States that are members of the UN can elect to ratify or accede to a treaty or convention. Ratification or accession is a voluntary undertaking by the State to be bound by the terms of the treaty under international law.

Though accession has the same effect as ratification, the process differs. In the case of ratification, the State first signs and then ratifies the treaty. The process for accession has only one step - it is not preceded by an act of signature.

If a State chooses to ratify and 'become party' to a human rights treaty, that country is obliged to ensure that its domestic legislation complies with the treaty's provisions.

In the case of major human rights treaties, the obligations of State Parties include regular reporting to and scrutiny by, UN human rights bodies. If a State fails to comply with the terms of the treaty, that country will be in breach of international law.

### RESERVATIONS AND UNDERSTANDINGS

Reservations and Understandings are statements made by State Parties at the end of a Convention, which limit some of their obligations under the terms of the Convention.

The Australian Government has made reservations to specific Articles in Conventions where the requirement of the Article conflicts with an area of domestic law.

### MAKING INTERNATIONAL HUMAN RIGHTS TREATIES PART OF DOMESTIC LAW

Each State must create legislation that incorporates the articles of Conventions that have been ratified. This process can differ according to each State's legal system.

For example, in the United States all international conventions are automatically considered part of federal law after the convention has been ratified, owing to their Constitution. In Australia however, federal legislation needs to be created by parliament for a convention to be binding in Australia. Depending on the area of law, Australian states and territories may also be required to introduce relevant legislation.