

## Free and equal in dignity and rights: A national conversation on human rights

### TERMS OF REFERENCE

The Australian Human Rights Commission, HAVING REGARD TO:

- Its functions to:
  - promote an understanding and acceptance, and the public discussion, of human rights in Australia (s.11(1)(g) AHRC Act);
  - report ... as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to human rights (s.11(1)(j) AHRC Act); and
  - report ... as to the action that ... needs to be taken by Australia in order to comply with ... any relevant international instrument (s.11(1)(k) AHRC Act)
- Its duties to ensure that its functions are performed with regard for:
  - the indivisibility and universality of human rights; and
  - the principle that every person is free and equal in dignity and rights (section 10(1) AHRC Act).
- The recognition in the Universal Declaration of Human Rights that 'All human beings are born free and equal in dignity and rights' (Art.1 UDHR) and that through the Universal Declaration, and the subsequent human rights treaties that have been ratified, Australia has pledged 'to achieve ... the promotion of universal respect for and observance of human rights and fundamental freedoms' (Preamble, UDHR)
- The desirability of Australia having processes to:
  - Set national priorities on human rights
  - Educate the community about human rights
  - Incorporate human rights standards into domestic law, policy and practice
  - Consider the observations of human rights treaty body committees and UN special procedures about compliance with our human rights obligations.

DECIDES to exercise its functions by conducting a national conversation on human rights, as follows:

1. The national conversation on human rights will consider possible actions to ensure that:
  - a.) the community understands human rights and is able to protect them (for themselves and others)
  - b.) communities are resilient and a protective factor against human rights violations
  - c.) law and policy makers explicitly consider the impact on human rights of their decisions and are accountable for this impact
  - d.) robust institutions exist to promote and protect human rights
  - e.) government and the community can work together to fully realise human rights—understanding the respective role of each other
  - f.) public servants, and contracted service providers, see the protection of human rights as core business in exercising their functions
  - g.) other issues that are identified as priorities for human rights protection by the Australian community are addressed.
2. The national conversation on human rights will:
  - a.) Promote awareness of the importance of human rights to 21<sup>st</sup> century Australia
  - b.) Identify current limitations in the promotion and protection of human rights at the national level
  - c.) Identify the key principles and elements of a human rights reform agenda to modernize our system of human rights protection
  - d.) Build partnerships and consensus on the future actions required to better protect and promote human rights across the Parliament, government and the community.
3. The national conversation on human rights will include the following activities:
  - a.) A national summit on human rights
  - b.) Public events and consultations
  - c.) A report to the Attorney-General and federal Parliament on actions that should be taken to ensure an effective system to promote and protect human rights
  - d.) A report to the United Nations Human Rights Council as part of Australia's 3<sup>rd</sup> universal periodic review (scheduled to take place in 2020).

For the purposes of these Terms of Reference, 'human rights' are defined as all human rights obligations recognised in international law, and are not limited to those rights that are currently reflected in Australian law.

**Dated 10 December 2018**