

Queensland's Human Rights Act

Protections and the patriarchy

Human rights and the patriarchy

1. Queensland's Human Rights Act
2. Which rights?
3. Using the Human Rights Act
 - Case study 1
 - Case study 2
4. What to do from here.



Our Human Rights Act

- Parliament
- Courts
- Public entities (includes service providers!):
 - Internal complaints
 - Queensland Human Rights Commission

Which rights?

Right to recognition and equality before the law

Right to life

Right to protection from torture and cruel, inhuman or degrading treatment

Right to freedom from forced work

Freedom of movement

Right to freedom of thought, conscience, religion and belief

Right to freedom of expression

Right to peaceful assembly and freedom of association

Taking part in public life

Property rights

Right to privacy and reputation

Right to protection of families and children

Cultural rights

Cultural rights of Aboriginal and Torres Strait Islander peoples

Right to liberty and security of person

Right to humane treatment when deprived of liberty

Right to a fair hearing

Rights in criminal proceedings

Rights of children in the criminal process

Right not to be tried or punished more than once

Right to protection against retrospective criminal laws

Right to education

Right to health services

Stopping an eviction | Kate's story

Tenants Queensland used the Queensland Human Rights Act to help Kate (not her real name), a single mother who had experienced domestic violence to avoid eviction.

The tenant's housing provider had sought to terminate her lease for serious breaches caused by her ex-partner who refused to leave the premises.

Tenants Queensland assisted the mother to draft a letter of complaint under the Human Rights Act and submissions in response to the application for termination. The tribunal granted an adjournment which allowed the parties to negotiate a transfer of tenancy. The housing provider then withdrew the application for termination.

But....what?

- *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020*
- Remember...affirmative consent...(um, making sure the person you are having sex with is consenting)
- Sexual violence is a gendered crime: 80% of sexual violence survivors are female, 20% male
- Which rights? *The Right to a Fair Hearing; the right to protection from retrospective criminal laws*
- What about.... rights to life, liberty, privacy, equality, discrimination and not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment (oh, you mean women's rights??)

A gender lens

Human rights law reflects the patriarchy

- Laws reflect and lead our culture
- International human rights law has “developed to reflect the experience of men” there is a focus on the public sphere and the activities where men’s rights were more commonly at stake

Let’s strengthen our Human Rights Act with a gender perspective!



Thank you