

Women's Rights Fact Sheet

» 5 minutes is all it takes To learn more about international human rights

The United Nations and human rights

Established in 1945 after the Second World War, the United Nations (UN) is an international body responsible for facilitating international cooperation and communication around global issues, such as world peace, social progress, better living standards and adherence to human rights standards. Australia was one of the 51 founding Member States of the United Nations.

What is a human rights treaty?

A human rights treaty can loosely be compared to a contract. It is an agreement which establishes international standards for the protection and promotion of human rights under international law and is entered into by States (the national government of a country). When a country signs and ratifies a treaty it accepts an obligation to introduce those standards into domestic laws, policies and programs. Each treaty has a UN committee of independent experts that monitor and oversee its implementation. If a country fails to live up to their obligations they can be held liable under international law. Enforcement mechanisms are built into each treaty and countries are required to submit progress reports to the treaty committee. Reports are required to detail the country's progress on implementing that treaty. Non-government organisations (NGOs) are encouraged to submit shadow reports in response to the country report as an alternative voice to government and as a means of holding governments accountable.

What is the difference between a convention and a declaration?

A treaty may also be known as an international agreement, protocol, covenant, declaration or convention. Conventions are a part of international law and are legally binding to State parties. Declarations are non-binding but carry significant moral commitment and responsibility in the international community. For example the *Universal Declaration of Human Rights* (UDHR) and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).

"All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, creed, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Everyone has the right to life, liberty and security of person."ⁱ

ⁱ United Nations Population Fund. (1994) International Conference on Population and Development, Programme of Action Principle 1.



What are human rights?

Universal human rights standards were developed in response to, and with the hope of avoiding a repetition of, the atrocities of the Second World War.

Human rights are the basic rights and freedoms that allow each of us to live with dignity and participate fully in civil, political, economic, social and cultural life. The concept of human rights acknowledges each individual is entitled to enjoy her or his rights without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. They protect individuals and groups against actions that interfere with their fundamental freedom and human dignity.

Human rights are **universal**, which means they belong to everyone regardless of age, gender, race, sex, disability or other attribute. Human rights are also **inherent** that is they are our birth right and belong to us simply because we exist as human beings and are **inalienable** meaning they cannot be given or taken away.

Human rights are a set of values that all human beings can claim in order to live in dignity and freedom. These rights are a set of social and legal contracts between governments, institutions and individuals identified in a body of mechanisms, tools and methods that both make governments accountable for implementing them, and empower people to act when they are not being met. Human rights set minimum standards for how people everywhere should be treated. They place an obligation on governments to ensure that we enjoy our rights, and empower people with tools for action when our rights are not met.



Which rights?

International treaties protect a range of rights. These include:

Civil and political rights: these rights allow us to take part in the public and political life of our community and include the right to vote, the right to freedom of thought and expression, the right to privacy and the right to a fair trial.

Economic, social and cultural rights: these rights ensure a decent standard of living and include the right to just and favourable conditions of work, the right to health, the right to adequate housing, the right to education and the right to live a life without violence.

The rights of equality and non-discrimination: these rights ensure everyone is able to enjoy all their human rights on an equal basis. The right to equality and non-discrimination means ensuring government policies, legislation and services do not discriminate on the grounds of race, gender, sex, age, disability or other attribute. Achieving equality may also require governments to take positive action to ensure particular groups have equal enjoyment of human rights.

The *Universal Declaration of Human Rights* (UDHR), agreed to by the nations of the world on 10 December 1948, sets out the basic rights and freedoms of all women, children and men. Rights include: access to education; paid employment; health care; food and housing; the right to participate in culture; and

security of person. The UDHR is the most fundamental international document on human rights, and in the years since its proclamation it has served as a moral compass for the world.

Who has the responsibility to protect human rights?

International treaties hold governments accountable for protecting the human rights of their citizens. In other words, it is the responsibility of governments to respect, protect and fulfil human rights. However, all people have a responsibility to respect and protect the human rights of others. Three principal obligations have been defined under the human rights treaties:

- » the **obligation to respect** requires the State to ensure that none of its officials acts to violate human rights or the obligations contained in a particular treaty.
- » the **obligation to protect** requires the State to take action to ensure that governments, or third parties (for example, individuals or corporations), do not violate the rights of others.
- » the **obligation to fulfil** requires the State to take positive action to ensure that everybody within its jurisdiction is able to enjoy fully all their human rights.

Australia has signed a range of treaties

The Australian Government has an obligation to respect, protect and fulfil human rights. This means the government is obligated to take pro-active measures to ensure human rights are protected by providing effective remedies for persons whose rights are violated, as well as measures against violating the rights of persons. Australia has signed a range of international treaties and is therefore obliged to fully implement the principles stated in these international agreements.

- » Universal Declaration of Human Rights
- » International Covenant on Civil and Political Rights
- » International Covenant on Economic, Social and Cultural Rights
- » Convention on the Rights of the Child
- » Convention on the Elimination of All Forms of Discrimination against Women
- » Convention on the Elimination of All Forms of Racial Discrimination
- » Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- » Declaration on the Elimination of Violence Against Women.