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Australia: Government moves to allow officials to disregard ratified human rights treaties sends ambiguous message

The Australian Government's introduction of draft legislation which seeks to prevent Australians from challenging in their own country violations of international human rights treaties ratified by Australia sends the wrong message to the world about the country's seriousness in promoting and protecting human rights, Amnesty International said today.

If enacted, the *Administrative Decisions (Effect of International Instruments) Bill 1997* introduced this week would remove any "legitimate expectation" that Australians may have a right to change the effect of a government decision on the grounds that it breached international treaties which have not yet been incorporated into domestic law -- or any domestic law which refers to such instruments.

"This is the latest in a series of steps by the Australian Government which effectively undermine their commitment to human rights," Amnesty International said. "On the one hand, it is telling the world that it is bound by the treaties it has ratified -- and in some cases helped to develop. But on the other hand, with this draft law, the government is giving its people and the world a very different message."

"Rather than drafting technical laws to avoid legal obligations, the government should immediately draft laws to fully implement international treaties such as the *Convention on the Rights of the Child* which it ratified in 1990," the human rights organization said.

The government explained the need for the proposed law by saying that the mere ratification of a treaty should not, in any circumstances, impose a domestic obligation. It argued that an Australian High Court decision in 1995 created uncertainty in decision-making by allowing decisions to be challenged on the ground that Australia's international human rights obligations had not been taken into account.

Under the proposed law, officials would be able to disregard a human rights treaty to which Australia is bound internationally without fear of a domestic legal challenge, unless parliament had incorporated the treaty into Australian law.

"Australia has helped to create and promote many human rights treaties to which it also became a party. They should be implemented so Australians can fully enjoy the rights enshrined in them," Amnesty International said.

A similar bill on administrative decisions had been introduced by the previous government, now in opposition, but had lapsed in the Senate when federal elections were called in February 1996.

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