

A Human Rights Act for Queensland

How could a Human Rights Act help women experiencing domestic violence in Queensland?

A Human Rights Act will help to create a fair, just and equal society for everyone. When human rights are protected by law they help to ensure that we are all treated fairly, and with dignity, equality and respect.

Protections offered by a Human Rights Act will also have relevance for particular groups of people – such as women experiencing domestic violence.

This factsheet provides examples of how human rights legislation in other places has improved the lives of women experiencing domestic violence.

A right to family and protection from domestic violence

A woman and her children were constantly moving after fleeing domestic violence and attempting to hide from the perpetrator in the UK. Social workers from the department of social services told the mother she was an unfit parent and that by moving she had made the family intentionally homeless. She was told that her children had to be placed into foster care.

An advocate helped the mother to challenge this claim using the UK's Human Rights Act. They argued that social services were not properly considering the rights of the woman and her children to respect for family life. As a result, the family were told that they could remain together and that the social services department would help with the initial costs associated with renting a home.

Source: London Irish Women's Centre at Our Human Rights Stories; <http://www.ourhumanrightsstories.org.uk/case-study/domestic-violencesurvivor-uses-human-rights-act-keep-her-children-and-get-safe-accomodation>

Relief from financial pressures

The Victorian Charter of Human Rights and Responsibilities Act was used in a matter relating to the payment of rent and repairs to a property. The woman involved had been forced to flee the property due to domestic violence. The advocate successfully used the Charter in arguing for the reopening of the matter after the limitation period had expired to protect the woman's rights.

Source: Australian Lawyers for Human Rights: Submission for Review of the Victorian Charter of Human Rights and Responsibilities Act 2006, in Submission for Review of the Victorian Charter of Human Rights and Responsibilities Act 2006; in Charter of Rights in Action www.hrlc.org.au/files/VictorianCharter_in_Action_CASESTUDIES_march2012.pdf (Case Study 74, p 39).

Which rights?

The case studies above show that the rights that protect everyone have been used to protect the rights of women experiencing domestic violence. Many of these rights originally come from the United Nations Convention on Civil and Political Rights.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women provides a statement of rights that are specific to women and imposes an obligation on States to protect women against domestic violence.

In order for the rights contained in the Convention on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women to be enforceable in Queensland they need to be protected in law – for example in a Human Rights Act for Queensland.