

Human rights accedence

The Northern Territory branch of the International Law Association in conjunction with the Northern Territory University Law School held a seminar in October last year on the implications of Australia's accedence to the First Optional Protocol of the International Covenant on Civil and Political Rights.

The guest speaker was Dr Hilary Charlesworth, Senior Lecturer in Law at Melbourne University.

Dr Charlesworth is well known for her work in human rights and international law.

The First Optional Protocol was signed on 25 September by the Foreign Minister, Gareth Evans, and came into force for Australians on Christmas Day last year.

The Protocol gives individuals in Australia the right to complain for the first time in an international forum for breaches of human rights.

Dr Charlesworth explained the main procedural issues involved in presenting a case to the Human Rights Committee in Geneva.

The complaint must be from an individual as opposed to a group, it must relate to a breach of an Article of the Covenant and, most importantly, the author of the complaint must have exhausted local remedies.

Dr Charlesworth also dealt with some

substantive issues involving Article 1 of the Covenant (the right to self determination), Article 27 (the rights of minority groups), and Article 26 (prohibition on discrimination).

She outlined the growing jurisprudence in this area which is now necessary for Australian lawyers to comprehend.

She also dealt with issues under the Covenant which may have particular importance to Northern Territory practitioners such as rights of Aborigines, refugees and rights affected by detention laws.

Although the shortcomings of the Optional Protocol were pointed out by Dr Charlesworth, our accedence to it certainly strengthens human rights in Australia.

Although the Human Rights Committee in Geneva does not have powers of enforcement, the Committee publishes annual reports and names states which have violated the Covenant.

Dr Charlesworth's inspiring lecture will, no doubt, result in Northern Territory practitioners developing a keen eye for rectifying breaches of the Covenant.

--Jenny Blokland.

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