



FACT SHEET 1:

Defining human rights

Human rights are often defined in different ways.

Simple definitions that are often given include:

- the recognition and respect of peoples dignity
- a set of moral and legal guidelines that promote and protect a recognition of our values, our identity and ability to ensure an adequate standard of living
- the basic standards by which we can identify and measure inequality and fairness
- those rights associated with the Universal Declaration of Human Rights.

The *Australian Human Rights Commission Act 1986* (AHRC Act) contains a limited definition of human rights for the purposes of that Act.

‘Human rights’ are defined by section 3 of the AHRC Act as the rights and freedoms contained in specific international instruments that are scheduled to, or declared under, the AHRC Act.

These instruments are:

- *International Covenant on Civil and Political Rights*
- *Convention on the Rights of Persons with Disabilities*
- *Convention on the Rights of the Child*
- *Declaration of the Rights of the Child*
- *Declaration on the Rights of Disabled Persons*
- *Declaration on the Rights of Mentally Retarded Persons*
- *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.*

The effect of this limited definition is to limit the scope of the functions of the Australian Human Rights Commission that relate to ‘human rights’ (see section 11 of the AHRC Act).

The Aboriginal and Torres Strait Islander Social Justice Commissioner also exercises functions on behalf of the Commission in relation to the human rights of Aboriginal and Torres Strait Islander people (see section 46C of the AHRC Act). ‘Human rights’ in this context includes the rights and freedoms recognised by the *International Convention on the Elimination of All Forms of Racial Discrimination* (see section 46A of the AHRC Act).

In exercising these functions, the Commissioner is also required to have regard to additional human rights instruments where appropriate, namely:

- *Universal Declaration of Human Rights*
- *International Covenant on Economic, Social and Cultural Rights*
- Any other instrument relating to human rights that the Commissioner considers relevant (see section 46A(4) of the AHRC Act).

Human Rights Explained