

# QLS Policy Statement on Human Rights

1. QLS is committed to the protection and promotion of human rights and the rule of law.
2. QLS recognises that human rights are universal, indivisible and interdependent and interrelated. Some human rights are absolute, while others may be limited and subject to reasonable and proportionate restrictions for a legitimate purpose.
3. QLS is dedicated to the implementation of human rights in Queensland, human rights advocacy and to increasing public and professional education and public awareness in relation to human rights.
4. QLS supports the dialogue model of human rights<sup>1</sup> in the state of Queensland, in which parliament is still responsible for making and passing laws. Courts cannot overrule legislation because it is not compatible with human rights.
5. QLS adopts this *Policy Statement on Human Rights* as a framework for its policy activities in relation to human rights, especially in evaluating the substantive merit of legislation, policy and implementation.
6. QLS is committed to promoting a fair and just legal system that comprises of, encourages and respects a diverse range of individuals and views.
7. QLS endorses an approach, consistent with international human rights frameworks and principles, as set out in the *Universal Declaration of Human Rights*, to which Australia is signatory. QLS recognises that Australia, inclusive of the state of Queensland, is subject to human rights obligations under the following international human rights treaties and the Optional Protocols thereto, to which it is a party:
  - *International Covenant on Civil and Political Rights*
  - *International Covenant on Economic, Social and Cultural Rights*
  - *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
  - *Convention on the Elimination of All Forms of Discrimination against Women*
  - *Convention on the Elimination of All Forms of Racial Discrimination*
  - *Convention on the Rights of the Child*
  - *Convention on the Rights of Persons with Disabilities*

---

<sup>1</sup> The 'dialogue model' requires the three arms of government (the legislature, executive and courts and tribunals) to take human rights into account when performing their functions. Courts can draw the legislature's attention to legislation that is incompatible with human rights, but it does not affect the validity of the legislation and Parliament retains ultimate sovereignty, including the ability to pass legislation incompatible with human rights.

8. QLS recognises and endorses the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*, to which Australia is signatory. While the Declaration is not a treaty and does not create legally binding obligations, it represents a framework of human rights for Indigenous Peoples, based on rights of self-determination, participation in decision-making, respect for and protection of culture, and equality and non-discrimination.
9. QLS recognises and endorses the Yogyakarta Principles and the Yogyakarta Principles plus 10. The Yogyakarta Principles provide interpretation and guidance on the implementation of international human rights agreements as they apply to people of all sexual orientations and gender identities. While the Principles are not a binding treaty, they serve as an important interpretive aid to the existing human rights treaties.
10. QLS recognises that Australia is also a party to other important multilateral treaties in relation to international humanitarian law, international criminal law, international refugee law and international labour law. QLS recognises all of these treaties as imposing obligations on Australia to protect and promote human rights. QLS recognises that Australia is also a party to discussions about developing human rights reporting processes and standards including proposed new multilateral instruments. QLS supports Australia's engagement in such discussions. In particular, QLS supports the development of a Convention on the Rights of Older Persons, noting that this group faces specific and unique vulnerabilities.
11. QLS believes all people have the right to protection from exploitation, violence and abuse and aims to uphold the *Modern Slavery Act 2018 (Cth)*; the *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* and the *ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*. QLS emphasises the importance of preventing, detecting and reporting on the risks of modern slavery. QLS understands that modern slavery is unlikely to prosper where other human rights are respected.
12. In adopting this *Policy Statement on Human Rights*, QLS pledges its commitment to human rights laws and makes the following commitments:

## Domestic implementation of human rights

- a. to promote the implementation of Australia's international human rights obligations through the *Human Rights Act 2019 (Qld)* and other constitutional, legislative and administrative measures;
- b. to promote effective access to justice for violations of human rights through the judiciary and other domestic remedies;
- c. to support the scrutiny of legislation for compliance with the *Human Rights Act 2019 (Qld)* and Australia's international human rights obligations;
- d. to support the scrutiny of the acts and decisions of public entities as they are relevant to the justice system in accordance with their legislative obligations under the *Human Rights Act 2019 (Qld)*.

## Advocacy in relation to human rights

- a. to promote substantive justice and equality before the law;
- b. to critically assess and contest the extent to which legislation, policies and practices in Queensland and Australia respect, protect and fulfil domestic human rights legislation and Australia's international human rights obligations;
- c. to make recommendations for legislative human rights development and reform and propose improvements on behalf of the legal profession;
- d. to advocate for policy development that strengthens human rights and the rule of law;
- e. to collaborate in human rights advocacy with civil society, including non-government organisations and businesses.

## Education and public awareness in relation to human rights

- a. to promote awareness and appreciation of and encourage compliance with international and domestic human rights frameworks within the legal profession, law enforcement and the broader Queensland population;
- b. to promote participation in professional development with respect to human rights law and practice in the legal profession;
- c. to promote awareness and dedicated training and education within government to foster a strong government and parliamentary human rights culture which facilitates decision-making, policy development and lawmaking consistent with human rights;
- d. to promote awareness in private businesses and public entities and provide guidance regarding businesses' obligations to protect human rights in different contexts, ranging from modern slavery to the protection of cultural heritage;
- e. to promote the study of human rights in educational institutions;
- f. to acknowledge the national and international achievements of Queensland human rights law students, practitioners and advocates.