

Foreword

There are many reasons for there to be a particularly strong interest within Australia in the issue of human rights. As a society which has yet to assure the fullest measure of human rights to its own indigenous peoples we have had to come to terms with the influence of international standards and have been on the receiving end of international scrutiny and criticism. In geographical terms, our belated realization that we are part of Asia has led us to become more aware of, if not necessarily always more sensitive to, diverse cultural and religious perspectives. As a nation of immigrants we are conscious of the need for an ethical and legal framework which will help us to respect differences and to reconcile competing visions of a just society.

Like most other societies we continue to neglect economic, social and cultural rights, as rights, and assume that the maintenance of economic growth and a general commitment to social justice will suffice to ensure the realization of those rights. For many of our citizens, however, such *laissez-faire* optimism is patently unwarranted. Similarly, while our formal commitment to equality and non-discrimination is strong, the actual status of women within Australian society is far from satisfactory.

But even this compelling set of factors does not necessarily suffice to explain the current level of human rights awareness within Australia. A particular conjunction of legal and constitutional factors has also played an important role. We have a constitution which accords explicit recognition to very few human rights and we lack a separate Bill of Rights. At the same time, we have a constitutional division of power between the Commonwealth and State Governments which provides an incentive for a Federal Government which wishes to legislate to protect human rights to ratify and rely upon international human rights treaties. We also have a common law system which is more flexible and permeable than its civil law counterparts and which has been open to external influences.

The result of these various factors has been a particularly vibrant debate in recent years over a wide range of human rights issues. History has repeatedly shown that the movement towards a society which is genuinely respectful of the rights of all of its members can never progress without a struggle. As a result, members of the human rights community — be they activists, scholars, lawyers, social workers, judges, or others — have a particular responsibility to assist society at large to gain a better appreciation of the human rights dimensions of the many challenges to which it must respond. In that regard, this (relatively new) journal plays an especially valuable role. Its contributions are wide-ranging, timely and thought-provoking. Its editors deserve our thanks and admiration for what they have been able to achieve in a short space of time with very limited resources.

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