

Fact Sheet:

Right to Equality and Non-Discrimination



What does the right to equality and non-discrimination mean?

Equality is the most fundamental principle of human rights law. The right to equality and non-discrimination means that:

- no individual should be discriminated against on the basis of any distinction, such as race, sex, religion, political opinion, disability, sexual orientation, national origin or any other status;
- every person must have the opportunity to enjoy his or her basic human rights on an equal basis with others; and
- individuals must be protected from discrimination through effective laws and policies.

Discrimination can occur in many different ways, including directly (for example, when someone is not provided a service due to the fact that the person is a woman) or indirectly (for example, by imposing a condition, requirement or practice which appears neutral but nevertheless has a disproportionate impact on people who have a particular attribute).

The result of failing to prevent discrimination means that some individuals or groups do not have the same opportunities to participate in society as others. This will quite often lead to — or further contribute to — inequality, poverty and social exclusion.

All individuals and groups must therefore be adequately protected against discrimination.

The right to equality may sometimes require governments to take positive steps to ensure that disadvantaged people or groups do not continue to be discriminated against. For this reason, it may not be discriminatory to treat people differently in order to assist or advance a person or group of persons who are disadvantaged because of discrimination. For example, it may not be discriminatory to increase the provision of particular health services to Aboriginal people in order to ensure their substantive equality with other Australians.

Are Australia's discrimination laws adequate?

Australia has enacted a number of laws to prevent discrimination on the basis of race, age, sex and disability. These laws include the *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth), *Sex Discrimination Act 1984* (Cth) and *Age Discrimination Act 2004* (Cth), together with a number of state and territory anti-discrimination legislation.

However, despite these legal protections, there are a number of groups within Australian society that remain vulnerable to both direct and systemic discrimination and therefore do not enjoy their human rights on an equal basis in Australia. These groups include: Indigenous Australians; women; people with disability and mental illness; people from non-English speaking backgrounds; homeless people; gay, lesbian, bisexual, transgender and intersex people; children and young people and diverse religious or ethnic communities.

Where can I get more information on human rights?

- Human Rights Law Resource Centre: www.hrlrc.org.au
- Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission): www.humanrights.gov.au

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- National Human Rights Consultation: www.humanrightsconsultation.gov.au