

# Rights and Responsibilities

## What are they and how are they connected?

In Australia, we enjoy many rights and freedoms that are a normal part of everyday democratic life. We can seek legal recourse if we are not paid fairly for the work we do, live without discrimination, be married if we choose and to whomever we choose, can start a family, and follow the religious practices of our choice.

**But what is a right in comparison to a responsibility and how are they connected?**

### Rights

**Rights are entitlements individuals hold that are protected by law or morality.**

They can be:

- Positive – the entitlement to do or have something
- Negative – the entitlement to be free from something (sometimes called ‘freedoms’)
- Individual – belonging to the person
- Collective – belonging to a certain group

In a democracy, many rights entitle citizens to be involved in the running of the country, including the right to vote, the right to speak freely, the right to protest and the right to be elected as a member of parliament. We also have other rights that allow us to live freely, such as the right to education, the right to own property and the right to be treated equally.

These rights give us the ability to choose how we want to live, and to do so without discrimination. However, where we have rights, we also have responsibilities.

### Responsibilities

**A responsibility is a duty or obligation to act in a certain way and is governed by law or morality.**

They can be:

- Positive – the duty to do specific, identified things.
- Negative - the duty not to do something.

When we exercise our rights, we must also consider how enjoying our rights might impact on other people’s access to their rights. We have a **responsibility** to ensure that other people can exercise their rights equally. We have an individual and collective responsibility to ensure that people act in ways that respect the rights of other people, fostering safe and respectful communities.

Rights are not absolute and there are times when the government also has a responsibility to introduce (and enforce) laws that limit certain rights to protect other rights and prevent violations.

### Example: The Right to Freedom of Speech

Freedom of speech is a fundamental human **right**. It includes the freedom of thought, the freedom of receiving and giving information, freedom of conscience and freedom of expression. Importantly, it includes the right to express your opinion and explore different perspectives even when other people, including those in power, may disagree. In Australia, freedom of speech is an inherent right protected by common law. In international law, the right to freedom of opinion and expression is protected by articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR).

Freedom of speech also has **responsibilities**. While we have the right to speak freely, we must exercise this right responsibly, respecting others’ rights and refraining from limiting other human rights (such as the right to privacy, the right to be free of discrimination or the right to feel safe). At an **individual** level, this can be achieved by respecting the right of others to have their opinion and views, even if they differ from your own.

In a democracy, the government also has a **collective responsibility** regarding freedom of speech. The government must ensure citizens are free to express their thoughts, debate ideas and highlight issues regarding those in power.

The Government may also, at times, limit and restrict freedom of speech to protect other human rights. They do this by creating laws that can regulate serious abuses which are then administered by the Courts. For example, the *Racial Discrimination Act 1975 (Cth)* makes it unlawful to “do an act reasonably likely to offend, insult, humiliate or intimidate another person or group if the act is done because of the race, colour or national or ethnic origin of the person or group”.

The Government also has a responsibility to ensure these laws are enforced.