

## Legal Studies

### Section I (continued)

Part B – 10 marks

Attempt Question 16

Answer the question in the spaces provided.

---

Marks

Question 16 (10 marks)

- (a) Define the notion of individual human rights, and use an appropriate example to illustrate your definition. 2

Individual human rights are the rights, entitlements and liberties that should be enjoyed by all persons individually. For example the right to vote or freedom of expression.

- (b) Define the notion of collective human rights, and use an appropriate example to illustrate your definition. 2

Collective human rights are the rights, entitlements and liberties awarded to groups of people. For example the right for a race of people to exist, or to have self determination.

Question 16 continues on page 10

## Question 16 (continued)

- (c) Identify ONE human rights issue, and assess the effectiveness of legal measures in addressing this human rights issue.

6

A domestic human rights issue in Australia is that of the detention of asylum seekers. All asylum seekers (those who seek refuge in Australia) who enter Australia illegally are detained in detention centres for great periods of time. This includes young children and families. Such prolonged and arbitrary detention is seen as a violation of civil and political human rights. The United Nations Commissioner on Human Rights declared these detention centres as a "great human tragedy". The Australian government has denied that this is a human rights issue and declared that it is Australia's sovereign right to decide who enters and exits Australia's borders and how long they may remain. The Australian legal system has not been effective in addressing this human right because that a violation of rights has occurred and continue to detain asylum seekers for long periods of time until their case for refuge status is heard.

End of Question 16