



# Human rights law and cancer control

## Factsheet

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- Human rights apply to all people and reflect the values of freedom, equality, fairness and dignity.
- Human rights are relevant to all aspects of cancer prevention and control.
- Human rights include the right to life, health, non-discrimination, an adequate standard of living, work rights, cultural rights, social security, clean water and food, and to live in healthy places.
- In cancer prevention and control, these rights are crucial for things like:
  - affordable access to quality treatment and care and informed consent for medical treatment;
  - income support and flexible work arrangements;
  - health information;
  - non-discriminatory access to cancer screening services;
  - health service providers treating all people affected by cancer with dignity and respect; and
  - healthy environments.
- Advancing human rights is essential to addressing inequities in cancer care, outcomes, research, and support, particularly in the context of intersecting disadvantages.
- Australia is a signatory to international human rights law treaties, which require steps to ensure people affected by cancer achieve the highest attainable standard of mental and physical health, and to promote equality and eliminate the discrimination against people affected by cancer, including in their access to healthcare services throughout the life cycle.
  - Australia has also committed to upholding the rights of First Nations People, children, women, those living in rural and remote areas, and those living with disabilities - including all those affected by cancer.
- In Australia, human rights treaties must be implemented into legislation for people affected by cancer to enjoy rights under them. Some international human rights law treaties have been incorporated into domestic legislation, and some States and Territories have human rights laws, but gaps exist.
- Human rights law treaties are an indirect source of rights, whether or not they have been incorporated domestically. By signing up to these treaties Australia is expected to comply with them.
  - Treaties provide guidance on how domestic laws and obligations should be understood and are relevant to court decisions made by judges.
  - A 2024 Parliamentary Inquiry recommended a national human rights act to better protect all Australians. It would provide a more formalised process for the Australian Government and its agencies to consider the human rights of people affected by cancer in law and policymaking, decision-making and service delivery, and provide remedies when human rights are breached.
- Experience in Australia and overseas shows that human rights acts can be effective in improving people's lives, including by improving access to healthcare and addressing social determinants of health.

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- *International Convention on the Elimination of All Forms of Racial Discrimination 1965*
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984*
- *Convention on the Elimination of All Forms of Discrimination Against Women 1979*
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- *Convention on the Rights of Persons with Disabilities 2007*
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### About us:

The McCabe Centre of Law & Cancer builds the capacity of individuals, organisations and governments to use law as a powerful tool to prevent and control cancer and other noncommunicable diseases (NCDs).

The McCabe Centre acknowledges the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

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