

**AMNESTY
INTERNATIONAL**



18 March 2018

Mr Noah Carroll
ALP National Secretary
via online form

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Dear Mr Carroll

Thank you, on behalf of Amnesty's activists and supporters, for the opportunity to provide the Labor Party with our thoughts on your draft National Platform 2018.

Please do not hesitate to contact us should you require any further clarification or information at this stage. You can reach me on emma.bull@amnesty.org.au or 0408 371 498.

Best of luck with the rest of the process and we look forward to seeing the finalised version at National Conference.

Yours sincerely,

Emma Bull
Manager of Advocacy & External Affairs
Amnesty International Australia

*red text denotes edits to the draft platform, or new text

CHAPTER	CHAPTER	PARAGRAPH	AMNESTY'S SUBMISSION	RATIONALE/EVIDENCE
A Fair Go For All Human Rights	9	42 - 44 [replace Framework for Act]	A Human Rights Act that reflects our international obligations is necessary to deliver our commitment to fundamental rights across social and economic policies. We are committed to promoting awareness and understanding of human rights, supporting the international human rights instruments to which Australia is a signatory, and properly funding and supporting the Australian Human Rights Commission, an independent agency that plays a critical role in our society. Labor will adhere to Australia's international human rights obligations and will seek to have them incorporated into one single instrument for Australia to be taken into account in administrative decision-making and whenever new laws and policies are developed.	
Australia's Place in a Disrupted World Democracy and Human Rights	11	101	Australia must be unequivocal in its opposition to capital punishment, wherever it occurs. Labor will strongly and clearly state its opposition to the death penalty, in all circumstances and advocate its universal abolition, including through strong regional and global representations. This includes supporting the work of civil society actors in retentionist countries and ensuring that no-one is sent to their deaths due to Australian law enforcement policy or practice	AIA blueprint.
A fair go for all Labor Values	9	28	Labor will act against all forms of discrimination, vilification or harassment, including by	Religious Freedom Review Submission

			harmonising anti-discrimination laws and procedures and introducing a Religious Freedoms Act.	
A fair go for all Human Rights Scrutiny	9	44	<p>[Additional dot point]</p> <p>Labor will: ...</p> <ul style="list-style-type: none"> Strengthen scrutiny of human rights impacts of legislation by amending the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> to stipulate that statements of compatibility include a detailed and evidence-based assessment of proposed provisions that interfere with rights; ensure that the PJCHR has sufficient time to scrutinise human rights impacts of all bills, include UNDRIP as part of the scrutiny framework, and amend Standing Orders to ensure that bills that are found to impact human rights are referred to a legislation or general purpose committee. <p>Reform the Parliamentary Joint Committee on Human Rights to ensure that statements of compatibility</p>	Religious Freedom Review Submission
A fair go for all First Nations peoples	9	59	<p>Community control and direct involvement of First Nations peoples in the planning and delivery of programs and services is important. Labor will support and invest in high performance community controlled Indigenous organisations to deliver the services First Nations peoples want and need, including addressing the significant unmet legal needs of First Nations people by providing adequate and consistent funding to Aboriginal and Torres Strait Islander</p>	<p>Aboriginal and Torres Strait Islander community-controlled legal service providers are best placed to provide legal support to Aboriginal and Torres Strait Islander children in contact with the justice system.¹⁹ In 2014, the Productivity Commission called for Government to meet the significant unmet legal need among Aboriginal and Torres Strait Islander people, recognising that the “inevitable</p>

			<p>Legal Services and Family Violence Prevention Legal Services.</p>	<p>consequence of these unmet legal needs is a further cementing of the longstanding over-representation of Indigenous Australians in the criminal justice system.”</p> <p>The Australian Government must provide adequate and consistent funding to Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services so that children are provided with necessary culturally appropriate support and legal advice.</p> <p>Similarly, it is vital to support Aboriginal and Torres Strait Islander-controlled services in health, education and disability, among other areas, to holistically address the disadvantage that results in the over-imprisonment of Aboriginal and Torres Strait Islander children.</p>
<p>A fair go for all First Nations peoples</p>	9	64	<p>Labor supports developing four additional Closing the Gap targets in partnership with First Nations peoples and organisations:</p> <p>3. To close the gap in the rates of imprisonment between First Nations people by 2040</p> <p>4. To cut the disproportionate rates of violence against First Nations people to at least close the gap by 2040, with priority strategies for women and children.</p> <p>Labor will establish a National Agreement which includes a reporting mechanism, as well as measurable sub-targets relating to children and a commitment to halve the gap in the above overarching</p>	<p>The failure to include the overrepresentation of Aboriginal and Torres Strait Islander people in prisons and disproportionate experience of Aboriginal and Torres Strait Islander women and children as victims of violence in the Closing the Gap framework remains a glaring omission. Targets are a proven mechanism to achieve real progress and accountability for change, where they have national reporting obligations and measures of transparency.</p>

			goals by no later than 2030.	
A fair go for all First Nations peoples	9	71	Levels of incarceration of First Nations peoples, particularly young people, are unacceptably high, including the rates of imprisonment on remand, and continue to rise. The House of Representatives Standing Committee Report Doing Time — Time for Doing and the 1992 Report of the Royal Commission into Aboriginal Deaths in Custody identify the systemic causes of incarceration experienced by Indigenous communities.	On an average day, 60 per cent of Aboriginal and Torres Strait Islander children in prisons have not yet been sentenced or are awaiting trial on charges they are accused of ('on remand'), compared with 53 per cent of non-Indigenous children. Time on remand has severe and damaging impacts.
A fair go for all First Nations peoples	9	72	<p>Australia needs to address First Nations peoples' interaction with the justice system including lower rates of offending and victimisation and better community safety. Labor will implement the justice reinvestment model in partnership with the communities and the development of a justice target under the Closing the Gap framework to ensure coordinated action, accountability and progress to reduce the disproportionate incarceration rates, of First Nations people.</p> <p>Labor will establish an independent justice reinvestment body which will promote the reinvestment of resources from the criminal justice system to Indigenous community-led place-based initiatives that address the drivers of crime and incarceration and to provide expertise on the implementation of justice reinvestment in line with the ALRC 'Pathways to Justice' report.</p> <p>To address high rates of young people on remand, Labor will implement the Family Matters Roadmap across Australia, so that Indigenous children are not denied</p>	<p>FROM THE ALRC: Page 125 - 126:</p> <p>A justice reinvestment approach suggests that resources are better directed—and indeed savings will be made—by reinvesting a portion of this expenditure to address the causes of offending in places where there is a high concentration of offenders.</p> <p>There has been strong support in Australia for taking a justice reinvestment approach to addressing the rate of Aboriginal and Torres Strait Islander incarceration over a number of years, and justice reinvestment has been used overseas, particularly in some parts of the United States, to reduce criminal justice spending and to strengthen communities.</p> <p>Justice reinvestment holds particular promise in addressing Aboriginal and Torres Strait Islander incarceration for at least two reasons. First, it has long been recognised that the key</p>

			<p>bail on the basis of welfare concerns. Labor will work with all state and territory governments to support local community driven solutions including around bail accommodation and support services.</p> <p>Suspicious deaths in custody will be centrally recorded and should also be treated in a manner that maintains public confidence in the justice system including independent and timely investigations.</p>	<p>drivers of incarceration for Aboriginal and Torres Strait Islander people are external to the justice system, and justice reinvestment involves a commitment to invest in 'front-end' strategies to prevent criminalisation. Second, justice reinvestment, as a place-based approach, emphasises working in partnership with communities to develop and implement reforms, and thus accords with evidence that effective policy change to address Aboriginal and Torres Strait Islander disadvantage requires partnership with Aboriginal and Torres Strait Islander peoples.</p> <p><u>From the NPoA:</u> On an average day, 60 per cent of Aboriginal and Torres Strait Islander children in prisons have not yet been sentenced or are awaiting trial on charges they are accused of ('on remand'), compared with 53 per cent of non-Indigenous children. Time on remand has severe and damaging impacts.</p> <p>There are many steps Government can take to stop this. First, the Australian Government must implement the Family Matters Roadmap across Australia, so that Indigenous children are not denied bail on the basis of welfare concerns.</p> <p>Further, there are community-based alternatives and bail support services for these children, who do not belong in prison. The Australian Government must work with all state and territory governments to</p>
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				support local community driven solutions including around bail accommodation and support services. These must be safe and culturally appropriate (preferably Aboriginal and Torres Strait Islander community-controlled), and not further entrench children in the youth justice system.
A fair go for all First Nations peoples	9	New	Labor will raise the Commonwealth age of criminal responsibility to at least fourteen, and through COAG, work with States and Territories to also raise the age. To ensure that ten to fourteen year olds who have contact, or are at risk of having contact, with the justice system are supported, Labor will implement a therapeutic justice reinvestment approach to early-intervention, prevention and diversion programs.	<p>Governments right across Australia are imprisoning kids as young as 10, and four out of five 10 and 11 year olds in prison are Aboriginal and Torres Strait Islander children. When children enter the system at this young age they are highly likely to return as adults, especially who are imprisoned.</p> <p>Australia has been repeatedly criticised by the UN Committee on the Rights of the Child for having an age of criminal responsibility which is unreasonably low. Children under the age of 14 have not yet developed the required capacity to be criminally responsible, and must never be held in prison, which is extremely harmful for their health and development.</p> <p>This is why the Australian Government must work with all state and territory governments to raise the age of criminal responsibility to at least 14 years of age in all Australian jurisdictions.</p>
A fair go for all First Nations peoples	9	229	Labor opposes mandatory sentencing and detention regimes; they are often discriminatory in practice, conflict with the role of the judiciary as an independent arm of government, and have not proved effective in reducing crime or criminality.	Mandatory sentencing prevents courts from diverting young people out of the system. Because of these laws, the Children's Court is prevented from ensuring that detention is a measure of last resort, that the best interests of the child are a

			<p>Labor will legislate in order to override state and territory-based laws that requires the imposition of a mandatory minimum sentence.</p>	<p>primary consideration, and that each child is dealt with in a manner proportionate to their circumstances and the offence.</p>
<p>A fair go for all</p> <p>First Nations peoples</p>	9	227	<p>... Labor will conform to Australia's international human rights obligations and strive for world's best practice in its treatment of prisoners at a Commonwealth level and ensure states and territories comply with obligations through COAG or other appropriate mechanisms.</p> <p>Labor will implement the Optional Protocol to the Convention Against Torture (OPCAT) without delay and in consultation with affected groups of people including prisoners, Indigenous people and ethnic minorities, refugees, those in mental health institutions and the elderly, and create an independent National Preventative Mechanism (NPM) under the guidance of the Subcommittee on the Prevention of Torture (SPT). Both the NPM and SPT will have access to all places where people are deprived of liberty, including youth detention facilities and offshore detention facilities.</p>	<p>Governments at every level have a responsibility to ensure the abuse and mistreatment of children across Australia (as we have seen at Don Dale, Cleveland, Banksia Hill, Barwon, and Bimberi) will not be repeated. Currently there is a litany of inquiries into the practices and the mistreatment of children in prisons across Australia, including the use of solitary confinement, strip searching, physical violence, inappropriate use of dogs and restraints. Australia is breaching its obligations under international law to ensure that every child deprived of their liberty is protected and treated with humanity. Locking children in prison is harmful to their growth and wellbeing, and can compound mental illness and trauma. The Federal Government must immediately end the abuse (including torture, cruel, inhuman or degrading treatment or punishment) of all children in prison.</p> <p>All states and territories must have fully resourced and independent inspectors with unimpeded access to child prisons. As Australia moves towards ratification of the United Nations Optional Protocol on the Convention against Torture, we recommend governments build upon the Western Australian model of the Independent Inspector of</p>

				Custodial Services as best practice, with the additional need for it to extend to police lock ups, secure care and mental health facilities.
A fair go for all First Nations peoples	9	56	First Nations peoples have a right to live on their ancestral homelands. Labor will provide support to States and Territories to provide essential and municipal services, adequate housing stock to address overcrowding, appropriate housing design and safety and maintenance in remote Indigenous communities.	
A fair go for all Humanitarian Migration Programme Australia's responsibility as an international partner	9	247	"... improve the lives of refugees and asylum seekers."	Amnesty's Better Plan policy document outlining our calls on Australia to enhance protection for people seeking asylum and refugees through strengthened regional and global responsibility-sharing
A fair go for all Humanitarian Migration Programme Australia's responsibility as an international partner	9	249	... assist the region's refugees and asylum seekers.	
A fair go for all Humanitarian Migration Programme Australia's responsibility as an international partner	9	252	... the large-scale movement of Rohingya refugees and other minority groups into neighbouring countries, particularly Bangladesh.	

	9	253	... other living standards for refugees and asylum seekers. The seeking of durable solutions including a recognised legal status within these countries.	
A fair go for all Humanitarian Migration Programme Australia's humanitarian intake	9	262	Labor recognises the important role state, territory and local governments play in supporting refugees to settle in Australia. In recognition of this, Labor will facilitate affordable opportunities for business, community groups, individuals and state, territory and local governments to participate in and support the resettlement of refugees through a community sponsored refugee resettlement program. This program will be in addition to the government funded humanitarian program.	Amnesty International welcomed the discussion paper, produced by the Department of Immigration and Border Protection (DIBP) in June 2015, seeking public input on a proposed model for a Community Support Program (CSP) which highlighted the development of a private sponsorship model for Australia. At the time however, as well as highlighting a number of specific concerns with the then Community Proposal Pilot (CPP), we strongly advocated for further community/private sponsorship programs that would enable those with capacity to also sponsor refugees. Amnesty International welcomed the announcement in New York in September 2016 (at the two summits), by Australia's Prime Minister, that Australia would be expanding its private sponsorship program (the CSP) to 1,000 places and that opportunities would be made for business engagement in the program, providing places for skilled refugees. At the time we again expressed our concern that the program needed to be in addition to Australia's humanitarian program and not used as a cost saving measure, taking places from the existing program. Unfortunately, the 2017-18 Budget announced that the 1,000 CSP places would not be additional but included in the existing quota of 16,250 places (predominantly out of the Special

				<p>Humanitarian Program (SHP) quota). 15 http://www.unhcr.org/558bff849.pdf Amnesty International Australia 12 In addition to the inclusion of the private sponsorship places within the existing humanitarian program quota, Amnesty International raised the following concerns about the implementation of the CSP:</p> <ul style="list-style-type: none">• The high cost of the application and visas (approximately three times the amount of the Canadian program).• Applications prioritised for processing, over other humanitarian visas, regardless of the urgency of their protection needs. As noted in greater detail below, both the Bali Declaration and the New York Declaration have highlighted the need to encourage the private sector to work with governments to ensure complementary legal pathways for skilled refugees (with the assumption that this would be in addition to existing programs). Over the past 12 months Amnesty International has worked closely with supportive businesses, community organisations and academic institutions, as well as meeting with Immigration officials, to explore ways businesses could engage in providing complementary pathways for skilled refugees. Unfortunately rather than looking at ways businesses could complement other sponsorship programs (and the current humanitarian program), the Australian Government is going to prioritise young, healthy, qualified, work ready, refugees over those with acute protection needs or close family links in
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				<p>Australia. In promoting the new program the Australian government noted that private sponsorship would allow businesses to make 'corporate social responsibility obligations matter' in respect to humanitarian entrants and refugees. However, as the current model ensures that any refugee they sponsor will come from within the current program and as such will be at the expense of others who previously could sponsor a vulnerable family, it will be extremely difficult to convince a business it is demonstrating corporate social responsibility if in effect a business is being asked to "take" the place of a vulnerable refugee, including a torture survivor, a woman at risk, an unaccompanied child, or someone's close family member. As reiterated previously by Immigration, the layers of support needed for the most vulnerable refugees make it likely that restrictions will be put in place (under the CSP) for those that require more intensive support. Hence people with medical conditions, torture and trauma survivors, etc, will be excluded from the CSP at the expense of those with less compelling protection needs, including those with skills that are attractive to businesses. Again, it is difficult to argue with the view that priority is being taken from those most in need of resettlement (as a specific durable solution) and given to those who are willing and able to pay. Further, as highlighted in our previous Humanitarian Intake Submission, it is also difficult to understand why the government is asking</p>
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				<p>communities and businesses to pay for something it has already said it would pay for, with less settlement support and at great expense to individual proposers. Amnesty International Australia 13 The CSP needs to be redeveloped, more in keeping with the current Canadian private sponsorship program, to ensure:</p> <ul style="list-style-type: none"> • the places do not come from within the existing humanitarian program or existing visa allocations; • it is not too costly for refugees or their sponsors (currently sponsors need to put up nearly three times the amount of those in Canada to bring in a family of five); • that it is equally open to community, family and businesses to bring in refugees; • that it appropriately supports those resettled and protects them from exploitation.
			<p>Increase our humanitarian program to at least 30,000, including making multi-year resettlement commitments.</p>	<p>Australia has committed to increase its humanitarian program to 18,750 places per annum as of financial year 2018-19 (from the official quota of 16,250 for financial year 2017-18). However, with the additional quota of 12,000 Syrian and Iraqi refugees over the last two years Australia's program was close to 22,000 places in the FY16-17. Given the clear capacity of settlement service agencies to settle 22,000 people in a year Australia undoubtedly has the capacity to do much more than the 18,750 promised for FY 18-19. With UNHCR stating the current global resettlement need to be close to 1.2 million people now is the time for Australia to step up and sustain an expanded resettlement program. Amnesty</p>

				International recommends that Australia increase its overall humanitarian program to 30,000 places and develop a private sponsorship program that is in addition to the current humanitarian program (and not taken from within the existing quota).
A fair go for all Humanitarian Migration Programme Refugee assessment	9	267	Additional dot point: Ultimately those with adverse security assessments will be entitled to challenge the legality of their indefinite detention in the courts.	
A fair go for all Humanitarian Migration Programme Australia's border	9	288	Delete current dot point and replace with: - Abolish offshore processing on Nauru and Manus and bring those currently held offshore to Australia. - End the policy of boat turn backs.	
A fair go for all Humanitarian Migration Programme Immigration Detention	9	294	In the first dot point, DELETE the word mandatory	
A fair go for all Humanitarian Migration Programme Immigration Detention	9	294	After the second dot point, add an additional dot point: Ultimately those detained for administrative purposes will be entitled to challenge the legality of their detention in the courts.	
Strong democracy and effective government Ensuring women's equal place in a stronger democracy	10	67	Taking an intersectional approach to - ● support and promote women leaders in all facets of Australian society through a range of regulatory and educative	

			<p>measures;</p> <ul style="list-style-type: none"> • support the greater representation of women in all of Australia's parliaments and local councils; • promote diversity in corporate Australia, including in appointments to boards and at the executive level; 	
<p>Australia's place in a disrupted world</p> <p>Defence Industry</p>	11	58 - 72	Delete	<p>AIA does not support the development of an industrial military complex for Australia and there is no rationale for jobs and growth or a security risk as posed. Greater weight must be given to our international obligations to ensure non-proliferation of global arms under the Arms Trade Treaty.</p>
<p>Strong democracy and effective government</p> <p>Democracy and Human Rights</p>	10	98	<p>Add:</p> <ul style="list-style-type: none"> • Online violence and abuse against women. 	<p>https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1/</p> <p>As the world becomes increasingly connected online, our reliance on social media platforms such as Twitter has also become increasingly important. But the online world, and social media platforms like Twitter are not immune to many of the human rights abuses that women face offline.</p> <p>Over the last 16 months, Amnesty International has conducted qualitative and quantitative research about women's experiences on social media platforms including the scale, nature and impact of violence and abuse directed towards women on Twitter, with a particular focus on the United</p>

				Kingdom (UK) and the United States of America (USA). Such abuse includes direct or indirect threats of physical or sexual violence, discriminatory abuse targeting one or more aspects of a woman's identity, targeted harassment, and privacy violations such as doxing or sharing sexual or intimate images of a woman without her consent.
A fair go for all Support for the Community Sector	9	new	Consistent with its previous commitments, Labor will ensure that no not-for-profit service provider that enters into a government contract or service agreement, or a community group that otherwise receives government funding, is subject to a ban on law reform or advocacy work. Labor will also commit to funding advocacy by civil society organisations, as an important way of improving public policy and ensuring the voices of the most disadvantaged in our community continue to be heard in public policy debates.	
Strong Democracy and Effective Government Vibrant community and not-for-profit sectors	10	new	Labor will commit to a national consultation to identify a package of best practice electoral and political regulation reforms, recognising the need to both strengthen integrity and accountability measures for parliament, while safeguarding the vital role of civil society advocacy in a healthy democracy.	
Strong Democracy and Effective Government Vibrant community and not-for-profit sectors	10	new	Labor will ensure that Australian charities and not-for-profits are able to participate in public debate and in the policy-making process, in accordance with charities law, without being treated as if they have a partisan political intent or being subjected to unnecessary regulatory burden. Labor will safeguard the ability of charities and not-for-profits	

			to collaborate in work that advances the public interest, including with international partners.	
Australia's Place in a Disrupted World Vibrant community and not-for-profit sectors	11	new	Labor will ensure that "national security" is not defined in Australia's criminal law so broadly that it puts at risk freedom of expression on issues of public interest such as the environment, migration, trade or human rights.	