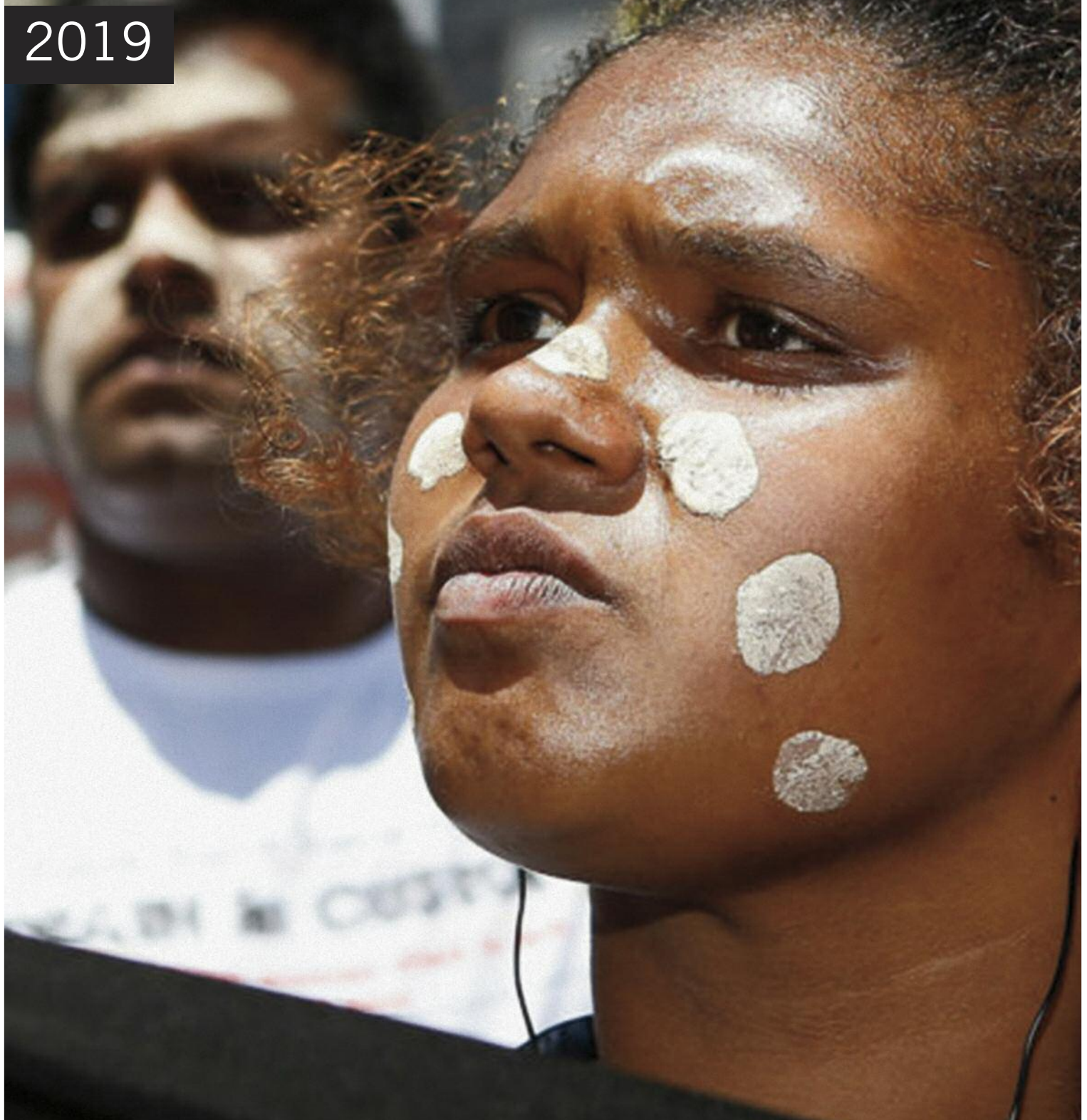


A HUMAN RIGHTS AGENDA

for the next Australian Government

2019



AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million people that campaigns for human rights for everyone. More than 500,000 Amnesty supporters live in Australia – and are active in their support for improving human rights. We're ordinary people from all walks of life, standing together for justice, freedom, human dignity and equality. To ensure we can speak out on human rights abuses wherever they occur Amnesty International is independent of any government, political ideology, economic interest or religion.

In 2019, Australians will elect their next government. Elections are a chance for people to make a statement: what country do we want Australia to be over the next three years? Who do we want to represent us? And what values do we want those people to hold?


Amnesty International is calling on the next Australian Government to make human rights – both at home and abroad – at the heart of all policy decisions and to re-establish Australia's place in the world as a free, fair and caring country and a human rights leader.

Since the last election we have seen significant human rights advanced, illustrated most clearly in enormous public support and ultimately the ratification of marriage equality. Yet issues of religious freedom, discrimination, racism and the rise of extremism continue to beleaguer our society. Human rights offer solutions to these problems.

At their core, human rights are about respecting the dignity of every one of us. Human rights matter because someone's quality of life should not be determined by factors beyond their control – whether it be race, nationality, gender, socio-economic background, sexuality or age. The work of government is central to whether and how these rights are expressed, or limited.

The following points are all things that will help Australia better uphold human rights. We're calling on the next Australian Government to implement them. They're about making an impact on people's lives, for the better. They're about ensuring Aboriginal and Torres Strait Islander kids get an equal shot at life. They're about giving people seeking refuge the safety and security they couldn't find in their home country. They're about us making a country where someone is free to marry the person they love, regardless of gender. They're about pushing Australia to be a global leader when it comes to making the world a safer place for people everywhere.

Claire Mallinson



National Director
Amnesty International Australia

The following pages are a set of practical proposals

for the next Australian Government

to have a real, positive impact

on the lives of people both in Australia and overseas

Pledge

As part of its recommended human rights agenda, Amnesty International calls on the next Australian Government to:

- ▶ end the over-representation of Indigenous children and young people in Australia's criminal justice system by working with Indigenous organisations and communities

- ▶ ensure adequate funding for housing and essential and municipal services in Indigenous homelands communities

- ▶ work to eradicate violence against women

- ▶ support the creation of safe and legal routes for people seeking asylum – by increasing the annual refugee resettlement intake and prioritising people with humanitarian needs through alternative migration streams (community refugee sponsorship, skilled, student and family reunion visas etc)

- ▶ pursue efforts to ensure refugees and asylum seekers can access human rights and protections throughout the Asia Pacific region and in Australia

- ▶ take a lead role around the world in abolishing use of the death penalty

- ▶ work with other countries to provide a safe home for the Rohingya people forced from Myanmar into Bangladesh

- ▶ end the practice of gay conversion therapy and enshrine intersex rights in law

- ▶ ensure Australians who have a disability have their human rights respected

- ▶ increase the age of criminal responsibility from 10 to 14 years old, the international standard, so children's rights are properly respected in the criminal justice system

- ▶ reduce carbon emissions, phase out fossil fuels subsidies and support those whose human rights are infringed by effects of climate change

- ▶ halt arms and military assistance to Saudi-led Coalition members and demand protection of civilians in the conflict in Yemen.

Human rights give us a plan for building a better world together, where everyone feels supported, included and valued and has the opportunity to live a meaningful, fulfilling life. We encourage all Australian politicians and the next Australian Government – irrespective of whoever forms it – to ensure human rights are a bedrock on which domestic and international policy is formed.

Amnesty International is independent of any government, political ideology, economic interest or religion to ensure we can speak out on human rights abuses wherever they occur.



Australia at home

Human Rights Act

Human rights protect us all, ensuring every single person in our society is treated fairly and justly. Yet today, our basic human rights are under attack and can no longer be taken for granted. We all know our lives are better and we can create a better world when we treat each other, and are treated in return, with respect and compassion.

Australia is the only western democracy without a bill of rights or an equivalent law that protects the rights of all of its people. We need to ensure the rights of all Australians are promoted and protected. A Federal Human Rights Act would ensure this.

Amnesty calls on the next Australian Government to:

work to enshrine a Human Rights Act.

Australia is the only western democracy without a bill of rights or an equivalent law that protects the rights of all of its people

Top: Amnesty International played a key role in coordinating and implementing the campaign to free Hakeem Al Araibi, together with Amnesty Ambassador Craig Foster.
© Amnesty International Australia

Middle left: Despite the successful campaign to deliver marriage equality, members of the LGBTQI community continue to face structural barriers inhibiting their ability to more fully participate in society. © Abril Felman

Middle right: Hakeem Al Araibi was welcomed back to Australia after a successful 76 day international campaign galvanising partner organisations, diaspora groups, the football community and Amnesty activists © Amnesty International Australia

Bottom: Protecting the rights of civil society to protest and raise its voice is central to Amnesty International's mission
© Amnesty International Australia

Indigenous people's rights

Indigenous people are over-represented in many of the most unfavourable national statistics: imprisonment, suicide, youth suicide, mortality – the list goes on. Ensuring Indigenous people can access their rights is central to Amnesty International Australia's goals.

The next Australian Government should implement a national youth justice plan that aims to end the over-representation of Indigenous children in the youth justice system by:

investing in Indigenous-led solutions that support children, families and communities to stay strong and together

raising the age of criminal responsibility to at least 14 years of age, to be in line with international standards and to meet the recommendations of health and legal experts around the world

getting children who are not sentenced out of prison

adequately funding Aboriginal and Torres Strait Islander community-controlled legal and other support services, and retaining the Indigenous Legal Assistance Program

ending abusive practices in prisons, including by ensuring the relevant recommendations of the Northern Territory Royal Commission are applied nationwide, and by continuing with the implementation of Optional Protocol to the Convention Against Torture (OPCAT)

setting justice targets to end the over-representation of Aboriginal and Torres Strait Islander children in prison.

LGBTQI rights

The achievement of marriage equality provided a resounding reminder to the Australian politicians that Australians support inclusion and deplore discrimination. Yet members of the LGBTQI community continue to face structural barriers inhibiting their ability to more fully participate in society.

LGBTQI young people are more likely to experience mental health issues, yet programs such as so-called 'conversion therapy' continue to be practiced in our country. Sexual orientation and gender identity change efforts (SOGICE) are dangerous and should be stopped nationally. Currently, only Victoria has outlawed these harmful practices.

Amnesty International has signed onto the SOGICE Survivors Statement calling on the Australian Government to end the harmful practices of so-called 'conversion therapy'.

The next Australian Government should:

raise awareness of the harmful impacts and ineffectiveness of these 'therapies'

hold an inquiry into their extent, prevalence and harm

regulate mental health professionals, counsellors, and school programs, to prohibit SOGICE

support and fund LGBTQI and mental health organisations to boost awareness and support survivors.

Intersex rights

In Australia, people with variations in sex characteristics are routinely subjected to medical interventions without free, prior, informed consent, typically in infancy, childhood or adolescence. Normalising surgery should never take place without personal informed consent.

Amnesty International Australia calls on the next Australian Government to:

end non-emergency, invasive and irreversible medical interventions on infants and children with variations in sex characteristics to ensure the full enjoyment of the rights of persons with variations in sex characteristics.

Discrimination

Research indicates that LGBTQI children and young people are more likely to experience discrimination, bullying and abuse than other children and young people and are significantly more at risk of suicide, self-harm and mental health impacts as a result. 80 per cent of homophobic bullying involving LGBTQI young people occurs at school and has a profound impact on their well-being and education.

Amnesty International Australia calls on the next Australian Government to:

amend the Sex Discrimination Act to ensure that students, teachers and other staff cannot be discriminated against by religious schools

amend all anti-discrimination legislation to prohibit religious organisations or educational institutions in receipt of public funding or providing services on behalf of the government, discriminating in the provision of those services in ways that would otherwise be unlawful.

Eradicating violence against women

One in three Australian women will experience violence in their lifetime, and one in six will experience violence at the hands of a current or former intimate partner. Aboriginal and Torres Strait Islander women are at the epicentre of this crisis, being 34 times more likely than non-Indigenous women to be hospitalised for domestic violence-related assaults.

Australian Government initiatives to address the family violence crisis have not gone far enough. Despite a renewed focus on this issue and major funding announcements in 2015, there has been an overall reduction in spending on crisis accommodation and family violence services over recent years.

Too many government programs have ignored the critical need for family violence intervention and prevention and culturally-safe legal services for Aboriginal and Torres Strait Islander women. It is critical that the Government takes action to address gaps in services to safeguard Aboriginal and Torres Strait Islander women.

The next Australian Government must:

continue to work with the states and territories to fully fund the National Plan to Reduce Violence Against Women and their Children 2010–2022

increase funding to Family Violence Prevention Legal Services to ensure that all Aboriginal and Torres Strait Islander women can access these services, regardless of their geographic location.

Eliminating racism and discrimination

Amnesty calls on the next Australian Government to help 'unlock the welcome' that exists in neighbourhoods and communities by:

framing immigration positively – and helping celebrate the great benefits immigration has delivered to Australia's prosperity

refusing to take part in fear mongering and stereotyping

encouraging diversity in decision making, across all levels of society.

The next Australian Government should furthermore:

take a stand against racism, homophobia and other forms of discrimination and celebrate and nurture the positive qualities that exist in Australian communities and neighbourhoods

support and facilitate community-led and neighbourhood-driven ways to nurture more inclusive and welcoming towns and cities.

Disability rights

One in five Australians has a disability. People who have disabilities experience some of the highest levels of discrimination and abuse in the country. They account for 37 per cent of the Australian Human Rights Commission's discrimination complaints, much higher than any other ground of discrimination¹.

The next Australian Government should:

ensure the appointment of a full time, properly funded Disability Discrimination Commissioner

increase support and training to better enable access to the NDIS for Australians who have an intellectual disability and who require mental health support.

Human rights education and advocacy

A community that is aware of its human rights and practices the responsibilities that are entwined with these rights, is a safer, more engaged and active one. Australia has consistently reduced funding and support for its human rights education, and communities suffers as a result. Australian school children should also be taught their rights from a young age. Human rights are universal.

Properly funding a strong, independent national human rights institution is one clear signal any government can give that it is serious about protecting human rights. To that end, the Australian Human Rights Commission should be strengthened, including by ensuring that it is adequately resourced to conciliate discrimination and vilification complaints. It should not become politicised, and should have proper funding and support.

Amnesty calls on the next Australian Government to:

progressively increase funding for the Australian Human Rights Commission to expand its vital work

fund human rights education in all Australian schools.

Security and human rights

Amnesty International has always acknowledged that governments need to balance human rights imperatives with national security concerns.

The choices before a government and a parliament when it comes to national security are rarely black and white, and always complex.

Notwithstanding, Amnesty remains concerned particular legislation from the 44th Parliament tips the balance too far in the wrong direction, infringing on privacy and the presumption of innocence.

The next Australian Government should:

abolish the mass surveillance data retention scheme and, as a first step, introduce a sunset clause into the existing legislation, so the scheme can be properly debated in the next parliament

reform citizenship laws so that citizenship revocation only applies to individuals who have been convicted of a terrorism offence

ensure proper safeguards are in place for children who are subject to Australia's control order regime.

¹ https://www.humanrights.gov.au/sites/default/files/AHRC_Complaints_AR_Stats_Tables_2017-18.pdf



Australia and the world

Regional cooperation

A number of basic principles have already been identified through international law, the Bali Process and civil society initiatives such as the Asia Pacific Refugee Rights Network's Vision for Regional Protection. Many of these key principles were again reiterated in the September 2016 New York Declaration on Refugees and Migrants.

The next Australian Government should commit to re-establish Australia as a positive global citizen, committed to these human rights principles:

guaranteed safe entry to countries of asylum for those fleeing from persecution and other serious harm

stabilising people's situations in countries of first asylum or transit as quickly as possible, and meeting their humanitarian needs

fair and efficient asylum procedures, linked to durable solutions particularly for those in urgent need

special support and procedures for particularly vulnerable groups, including unaccompanied minors, stateless people and victims of human trafficking

safeguards to ensure refugees are not vulnerable to exploitative labour practices.

The next Australian Government must commit to ensuring people who seek asylum here are treated humanely

Top: Amnesty Turkey President was freed after a year long campaign from Amnesty International across the globe. © Jonathan Bachman

Middle left: Human rights protect us all, ensuring each person in society is treated fairly and justly. © Jonathan Bachman

Middle right: More than 200,000 Australians took action for improving human rights for women human rights defenders © Amnesty International WA Communications Volunteer Team

Bottom: Amnesty International Australia was proud to stand with Pussy Riot in Adelaide in February 2019 to promote the rights of intersex people © Amnesty International SA Communications Volunteer team

Refugees and people seeking asylum

REFUGEE RESETTLEMENT

Amnesty International recognises the important role Australia plays in resettling vulnerable refugees through the humanitarian program. Amnesty also strongly welcomed the Australian Government's commitment to increase refugee resettlement to 18,750 places, including for people fleeing the conflicts in Syria and Iraq.

The next Australian Government should increase the annual refugee resettlement intake to at least 30,000 people, prioritising those selected by UNHCR. In addition to the government program Australia must create an affordable Community Sponsorship Program, to enable ordinary Australians to contribute to global protection, by coming together to sponsor refugees to Australia.

TREATING PEOPLE WITH DIGNITY

Amnesty remains deeply critical of Australia's treatment of people who have sought refuge here. Australia's offshore detention and processing arrangements are inhumane and inefficient. Asylum seekers and refugees who have been warehoused on Nauru and Manus Island should be welcomed into Australian communities. All people seeking asylum should be processed under a system that provides a meaningful appeals process and the discriminatory Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs) should be replaced with permanent visas.

All asylum seekers should be guaranteed access to legal representation while their claims are being processed. The next Australian Government must commit to ensuring people who seek asylum here are treated humanely and can have their asylum claims assessed in a timely, fair and efficient manner.

GREATER TRANSPARENCY

Australia should put an end to dangerous boat push-backs, and ensure Operation Sovereign Borders is subject to the same transparency and accountability requirements we would expect of any government agency. The current situation – where operations at sea are secret, whistleblowers are criminalised, and journalists and non-government organisations are not able to visit Australian funded centres offshore – is unacceptable. The next Australian Government must ensure transparency and accountability of all aspects of Australia's refugee policy.

Death Penalty

The next Australian Government should continue the strong bipartisan work from 2015 to end the death penalty worldwide. Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

The next Australian Government should strengthen its strategy to campaign for death penalty abolition worldwide – and commit funds to support this effort. This strategy should include stepping up efforts to lobby countries which retain the death penalty, particularly in the Asia-Pacific, and leading the campaign to strengthen the “yes” vote for the 2020 United Nations General Assembly’s death penalty moratorium resolution.

Amnesty International opposes the death penalty in all cases without exception

Rohingya

Myanmar has produced almost 90 per cent of the refugees currently seeking safety and protection in the Asia Pacific Region. Despite Myanmar’s role in the current displacement of refugees and people seeking asylum in the Asia Pacific, Australia does not have a strategic approach through its foreign policy, international aid or international legal mechanisms.

Myanmar military’s brutal campaign of violence against the Rohingya population started in August 2017. More than 700,000 people were forcibly displaced to Bangladesh in the following days and weeks. Since then Australia has committed an additional \$31.5 million in aid, primarily to support the relief effort in Bangladesh, which is now home to the region’s fastest growing refugee crisis. It is however deeply concerning that, outside this emergency response, Myanmar will experience the largest cuts for South East Asia in Australia’s aid budget this year – almost 15 per cent – despite hundreds of thousands of people, displaced by conflict and violence, being in need of humanitarian aid and assistance.

Myanmar faces a myriad of human rights, humanitarian and development challenges, many of them rooted in discrimination and impunity. Australia needs to engage with the Myanmar authorities to focus their attention on addressing these root causes and working towards long-term, sustained progress, including structural and legal reforms that address apartheid conditions for Rohingya.

It is essential that humanitarian, financial and development assistance is delivered with the principles of non-discrimination, equality and for the benefit of all communities. Failure to do so could have devastating and long-lasting implications, in particular in Rakhine State, the current apartheid regime and the exclusion and marginalisation of the Rohingya could be further entrenched.

It is also essential for Australia to couple any humanitarian and development assistance with robust engagement with the Myanmar authorities. Specifically, Australia must be far more forthright in calling on Myanmar to address the human rights violations and discriminatory practices that have led to the significant displacement from and within Myanmar. Without action to stop military abuses and ensure those responsible are held to account, people will continue fleeing Myanmar and refugee populations outside the country will be reluctant to return.

Human rights and climate change

There is a direct link between climate change and human rights, including endangering people's rights to life, health, food, water and housing.

Extreme weather-related disasters and rising seas continue to destroy homes and ruin people's ability to earn a living, particularly in the developing world. Unless emissions are significantly and quickly reduced, around 600 million people are likely to experience drought and famine as a result of climate change.

Across the world, women form the majority of self-employed, small-scale farmers, so droughts, floods and crop failures will hit them first and hardest. They're also more likely to take on the burden of collecting water, so will be acutely affected by severe water shortages.

Indigenous people are often at the frontline of global warming as many live in fragile ecosystems that are particularly sensitive to changes in climate. Climate change threatens their cultural identity, which is closely linked to their traditional land and livelihoods.

As famines, droughts and natural disasters become more frequent, so the numbers of people on the move across borders will increase. While not all of these people will meet the legal definition of "refugees", they should still be entitled to support from the countries most responsible for climate change.

Climate change will exacerbate well-known causes of war, such as competition over natural resources, increasing the risk of violent conflict in the future.

The next Australian Government should:

take immediate steps to reduce carbon emissions, including phasing out subsidies for fossil fuels

assist people in Australia and internationally through our aid program, to adapt to climate change, and provide compensation, including to those who have lost their homes because of rising sea levels, salination or other climate change related impacts.

Arms trade/Yemen

Yemen is enduring one of the world's worst humanitarian crises, and Australia is complicit. The Australian government is currently supplying military exports to both Saudi Arabia and the United Arab Emirates – two countries committing war crimes in Yemen – and there are plans to expand this arms trade.

Over the past three years, dozens of Saudi Arabia and UAE-led Coalition airstrikes have disproportionately and indiscriminately killed civilians, including children, and targeted civilian infrastructure like hospitals, school buses and markets. Countries like Germany, Norway and Belgium have already cut off arms supplies to Saudi Arabia because of human rights violations in Yemen. It is time for Australia to do the same. Supplying arms to countries that are killing civilians, including children, is simply indefensible.

The next Australian Government should:

immediately halt the flow of arms and military assistance to members of the Saudi Arabia-led coalition for use in Yemen. This includes any equipment or logistical support being used for airstrikes

use our leverage as an ally to demand the Saudi-led Coalition fully complies with international humanitarian law when conducting airstrikes, by ensuring that Yemeni civilians and civilian objects (hospitals, schools, markets etc) are not targeted.

There is a direct link between climate change and human rights, including endangering people's rights to life, health, food, water and housing



Amnesty International shines a light on human rights abuses, wherever they occur, and encourages our movement of 7 million people across the world, to speak up for justice.
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Amnesty International Australia
ABN: 64 002 806 233
Locked Bag 23 Broadway NSW 2007
www.amnesty.org.au