

A HUMAN RIGHTS AGENDA

FOR THE NEXT
AUSTRALIAN
GOVERNMENT



AMNESTY
INTERNATIONAL



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Cover image: People march for Indigenous rights in Melbourne, 26 January 2016.
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Image: Change the Record members – a coalition of Aboriginal and Torres Strait Islander, human rights and community organisations including Amnesty International – gather outside Parliament House to mark 25 years since the Royal Commission into Aboriginal Deaths in Custody, Canberra, 15 April 2016 © James Tew / Change the Record Coalition.

Amnesty International is a global movement of more than 7 million people that campaigns for human rights for everyone. Over 500,000 Amnesty supporters live in Australia. We're ordinary people from all walks of life, standing together for justice, freedom, human dignity and equality. 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.

In 2016, 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 calls on the next Australian Government to make human rights – both here at home and abroad – a bedrock on which policy is formed.

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.

For better or worse, the work of government is central to whether these rights are expressed, or limited.

The following calls are an agenda for the next Australian Government which would help Australia better uphold human rights.

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 at home.

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.

This is 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. >>



AUSTRALIA AT HOME

INDIGENOUS PEOPLES' RIGHTS

➤ Closing the gap in rates of incarceration

For the past year Amnesty International has highlighted the disproportionate rates of Indigenous youth detention in Australia, which has reached a crisis point.

Across the country, Indigenous children and young people are 24 times more likely to be locked up than their non-Indigenous counterparts. And, while responsibility for criminal justice systems largely resides with the states and territories, the Australian Government has a critical role to play in addressing this crisis.

Amnesty International is part of the Change the Record Coalition which in late 2015 published the Blueprint for Change¹ to

address this issue. The Blueprint outlines a number of recommendations to tackle soaring rates of Indigenous incarceration and the high rates of violence experienced by Aboriginal and Torres Strait Islander people. We urge the next Australian Government to adopt the recommendations made in the Blueprint, which provide a strong and practical basis from which the next Australian Government can tackle the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

Amnesty calls on the next Australian Government to make it a national priority to end the over-representation of Indigenous people in the criminal justice system within a generation. The next Australian Government should work with the states and territories to establish national justice targets to reduce Indigenous incarceration rates and increase community safety. Justice targets should sit alongside the existing Closing the Gap targets and be reported against annually. >>

¹Blueprint for Change: Changing the Record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people, 2015, <http://www.amnesty.org.au/news/comments/38516/>
Image: Matilda House, a traditional owner of Canberra, speaks outside Parliament House to mark 25 years since the Royal Commission into Aboriginal Deaths in Custody. Canberra, 15 April 2016. © James Tew / Change the Record Coalition

➤ Increasing funding to Close the Gap

While some positive steps have been taken in recent years, the human rights situation facing Australia's First Peoples remains shocking.

On every indicator of material quality of life – whether it be health, education, income or access to basic essential services – Aboriginal and Torres Strait Islander Peoples lag behind the rest of the country.

If Australia is to close the gap, the Australian Government must lead the way. And to lead the way, programs must be properly funded.

At a minimum, Closing the Gap programs must have their funding increased to levels required to make a lasting difference for Aboriginal and Torres Strait Islander people, including to address unmet legal need.

Amnesty calls on the next Australian Government to lay out a comprehensive plan for how Closing the Gap programs will be funded to 2025, and commit to quarantining Closing the Gap funding from future Budget cuts.

➤ Supporting access to services on homelands

Living in remote communities is not simply a “lifestyle choice”. Aboriginal people have custodianship of and a deep spiritual connection to these lands and a responsibility to care for it.

Amnesty International's research into homelands² in the Northern Territory showed

that when Indigenous people are supported to live on their homelands, it increases life expectancy, improves health outcomes, reduces rates of domestic and other violence, and allows for participation in decision-making.

Forcing Aboriginal people from their homelands again would be harder than making those communities viable and sustainable. It would cause further intergenerational trauma, and would break connections to land and culture.

It would force people to move to larger towns and cities which are already experiencing overcrowding, and where people have greater exposure to drugs, alcohol, violence, crime and ultimately imprisonment.

The next Australian Government must ensure adequate funding is restored to ensure essential services to Indigenous homelands.

➤ Constitutional reform and recognition of Aboriginal and Torres Strait Islanders

The process to change Australia's constitution must be led by Aboriginal and Torres Strait Island people. Before any questions are put to the Australian people, there must be a high level of support for any proposed amendments among Aboriginal and Torres Strait Islander people – there must be free, prior and informed consent.

At a minimum, the next Australian Government must ensure the process is based on the above principles. >>

²Amnesty International, 'The land holds us' – Aboriginal Peoples' right to traditional homelands in the Northern Territory, 10 August 2011, <https://www.amnesty.org/en/documents/ASA12/002/2011/en>

MARRIAGE EQUALITY

In recent years, Australians have watched as countries with similar legal traditions have progressively recognised marriage equality; recognising that no matter the gender of the person you love, the state should not interfere with your right to marriage.

It is way past time for Australia to catch up. The High Court has held that the Australian Parliament has the power to make marriage equality a reality across the country. The next Australian Government cannot continue to pass the buck; it must lead the way.

The next Australian Government must immediately legislate to make marriage equality a reality.

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: They are 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 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 service for the safety of 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, including increasing funding to Family Violence Prevention Legal Services.

Funding should ensure that all Aboriginal and Torres Strait Islander women can access these services, regardless of their geographic location.

CHILDREN'S RIGHTS

Currently, the age of criminal responsibility in every Australian state and territory is 10 years old. The international standard is 12 years old. This is not good enough. Children do not belong in prison. And available evidence suggests children as young as 10 have not developed to the point where they have the necessary skills for criminal responsibility.

The next Australian Government must raise the minimum age of criminal responsibility to 12 in all jurisdictions. >>

STANDING UP FOR AUSTRALIANS WITH DISABILITIES

One in five Australians has a disability.

People with 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 discrimination.

The next Australian Government should ensure the appointment of a full time Disability Discrimination Commissioner, and ensure this position continues and its work is fully funded.

HUMAN RIGHTS EDUCATION AND ADVOCACY

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 continue. It should not become politicised, and should have proper funding and support.

Australian schoolchildren should also be taught their rights from a young age.

Human rights are universal.

Amnesty calls on the next Australian Government to progressively increase funding for the Australian Human Rights Commission to expand its vital work, and fund human rights education in all Australian schools.

SECURITY AND HUMAN RIGHTS

Amnesty International has always acknowledged that governments occasionally 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 this, 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.

Amnesty calls on the next Australian Government to:

-  **Cease the mass surveillance data retention scheme, or at least introduce a sunset clause into the existing legislation, so the scheme can be properly debated by a future 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 subject to Australia's control order regime.**



AUSTRALIA AND THE WORLD

PROTECTING PEOPLE ON THE MOVE

The world is facing a global refugee crisis. People are on the move from Africa, Europe, the Middle East and throughout our own region. This isn't the first time we've faced a crisis of this magnitude: After World War II the world's governments agreed to save millions of lives, and we can do it again.

➤ Regional cooperation

Australia's refugee policy must be founded on the understanding that as a nation, we cannot raise an imaginary drawbridge and ignore our own region. The key to resolving the challenges in our region lies in each government shouldering its responsibility.

No one wants to see asylum seekers languishing for years in unbearable conditions, unable to work or go to school. No one wants to see a similar situation to what transpired in mid-2015, when thousands were stranded on boats in the Bay of Bengal and Andaman Sea.

It is crucial Australia works collaboratively with its regional neighbours to ensure that asylum seekers and refugees throughout this region have equal access to protection. This includes fair and transparent Refugee Status

Determination procedures, and access to work, healthcare and schooling. If refugees in the region continue to be considered as "illegal migrants" and face discrimination, arbitrary detention and threats to their safety, they will have little alternative but to continue to make dangerous onward journeys.

The next Australian Government must commit to doing our fair share to protect people seeking refuge in our region.

This means:

- Pursuing a regional cooperation arrangement so that each country in Southeast Asia shares responsibility for providing asylum seekers with basic rights and protections.
- Greater support for search and rescue efforts in the region and increased financial support to the UNHCR in Southeast Asia.
- Supporting the creation of safe and legal routes for people seeking asylum, including prioritising people with humanitarian needs in other migration streams (skilled, student and family reunion visas etc).
- Ending Australia's moratorium on resettling refugees that have arrived in Indonesia after 1 July 2014. >>

➤ 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 announcement in September 2015 of a one-off refugee intake of 12,000 people fleeing the conflict in Syria.

The strong multi-partisan support for this decision was heartening. However to date this process has been painfully slow. A genuine commitment must see these individuals resettled in a timely manner.

The next Australian Government should increase the annual refugee resettlement intake to at least 30,000 people, prioritising those selected by UNHCR.

➤ 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. We should welcome asylum seekers and refugees who have been warehoused on Nauru and Manus Island into our communities in Australia.

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. >>

AUSTRALIA'S CANDIDACY FOR THE UNITED NATIONS HUMAN RIGHTS COUNCIL

Compared to some international counterparts, Australia's human rights record is strong. When it comes to human rights however, Australia should not be comparing itself to the lowest common denominator.

Australia's bid for a place on the United Nations Human Rights Council should spur a determination from the next Australian Government to elevate Australia's diplomatic role as a world leader on human rights.

Before the next election, Amnesty calls on all major parties to make clear what their priorities are for an Australian term on the Human Rights Council.




A SAFE HOME FOR THE SYRIAN PEOPLE

Civilians continue to pay the highest price as the Syrian Government and non-state armed groups commit war crimes and crimes against humanity with impunity.

The conflict is now in its sixth year. 250,000 people have died. Over 4 million refugees have fled Syria. Neighbouring countries such as Jordan, Turkey and Lebanon continue to struggle to host an overwhelming number of refugees.

When Australia sat on the United Nations Security Council, it played a key role in negotiating a number of resolutions.

Amnesty calls on the next Australian Government to continue the good work it did on the Security Council, so that:

-  **All attacks on civilians and civilian objects including the use of improvised explosive devices such as barrel bombs by the Syrian state and non-state armed groups cease.**
-  **The Syrian people receive unfettered and necessary humanitarian assistance.**
-  **Independent human rights monitors are allowed unrestricted access to Syria.**

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 build on this work by developing and funding a strategy to campaign for death penalty abolition worldwide. This strategy should include stepping up efforts to lobby countries which retain the death penalty and leading the campaign to strengthen the “yes” vote for the 2016 United Nations General Assembly's death penalty moratorium resolution.

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