

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

Submission to the
**AUSTRALIAN LABOR PARTY
NATIONAL PLATFORM CONSULTATION**

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Submitted by
Amnesty International Australia

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About Amnesty International

Amnesty International is the world's largest independent human rights organisation with more than million supporters in more than 160 countries around the world.

Amnesty International is a worldwide movement to promote and defend all human rights enshrined in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments. Amnesty International undertakes research focused on preventing and ending abuses of these rights.

Amnesty International is impartial and independent of any government, political persuasion or religious belief. Amnesty International Australia does not receive funding from governments or political parties.

1. Summary

- 1.1 Amnesty International Australia welcomes the opportunity to submit to the consultation process regarding the Australian Labor Party's (Labor) Draft National Platform (the Platform).
- 1.2 The recommendations in this submission, if adopted, will strengthen the Platform. It will place human rights at the centre of Labor's policies, ensuring that all people can access their human rights equally and justly.
- 1.3 The development and implementation of a Human Rights Act is a core recommendation of Amnesty International Australia's submission. Also important are recommendations related to Indigenous people, refugees, LGBTQIA+ people, people in detention and policies that deliver climate justice. The protection of human rights overseas should also be an important party of the Platform.

Recommendations

Amnesty International Australia recommends that Australian Labor Party:

Chapter 1: Building Australia's Prosperity

A better future for our farmers

- (1) Commits to tackling the climate crisis, in line with the best available science and our international responsibilities, by setting a target of achieving net-zero emissions by 2040, and with a robust and independent process to inform each five-yearly interim target. The Australian Labor Party must also aim to achieve a reduction in greenhouse gas emissions of at least 50% by 2030.

Chapter 2: Developing our people

Quality schooling for everyone

- (2) Includes in its National Platform a commitment to a national investigation of the impacts of suspensions and exclusions on children and young people in schools with specific reference to links to incarceration and engagement with the justice system, and implement alternatives that focus on re-engaging children and young people into the education system.
- (3) Amend statement 63 in Chapter 2 to include that the national curriculum must have educational outcomes around Indigenous culture and language, and include the compulsory inclusion of texts written by Indigenous authors.

Chapter 3: Climate Change, Energy and the Environment

- (4) Explicitly recognise climate change as a fundamental threat to a full range of human rights, including the rights to life, water, food, health, housing, culture, self-determination and development, for present and future generations.
- (5) Retains statements 4, 9, 31(a), 36, 37, 38, 39(a)(b)(c)(d) in Chapter 3 of the National Platform.
- (6) Add to its National Platform a commitment to ensuring that sufficient financing and support is in place for less developed countries - particularly in the Pacific and South East Asia - to be able to reduce emissions, protect people facing the impacts of the climate crisis,

including through more robust adaptation measures, and provide remedy for the losses and damages people have already suffered.

Chapter 4: A Strong and Healthy Society

Health: equity, access and reform

- (7) Include in Chapter 4 of its National Platform that it will end the exclusion of prisoners and those in youth detention from Medicare and the Pharmaceutical Benefit Scheme.

Nurturing our children

- (8) Include in Chapter 4 of its National Platform that it will create the position of National Commissioner for Aboriginal and Torres Strait Islander Children and Young People.

Chapter 5: An Equal and Inclusive Nation

- (9) Amend statement 5 of Chapter 5 to include a commitment to legislate a Human Rights Act for Australia, to ensure the rights to freedom of religion and other fundamental rights are protected and appropriately balanced. The objectives of a human rights act should contain as a minimum: right to recognition and equality (including non-discrimination), right to life, right to freedom of movement, right to privacy and reputation, right to religion and belief, right to peaceful assembly and freedom of association, cultural rights (right to enjoy culture, declare and practise religion and use their language), rights to education and the rights of children in the criminal process, and their access to health care.

- (10) Include in Chapter 5 of the National Platform a commitment to reform the Joint Parliamentary Committee on Human Rights and processes related to the parliamentary scrutiny of human rights.

Equality for First Nations People

- (11) include under statement 19 of Chapter 5 a new clause that reads: *Labor recognises that Aboriginal and Torres Strait Islander children and young people are disproportionately represented in the criminal justice system, and supports raising the minimum age of criminal responsibility from 10 years old to 14 years old.*
- (12) Amend statement 19(d) of Chapter 5 to read: *support policies like justice reinvestment to reduce high rates of incarceration for First Nations people, including the establishment of a national Justice Reinvestment Body, and ensure deaths in custody are treated in a manner that maintains public confidence in the justice system.*

Equal rights for LGBTQ Australians

- (13) Amend statement 32 of Chapter 5 to replace the words, “reparative” or “gay conversion” therapies’ with the terms ‘LGBTQA+ conversion practices to reflect these unproven and harmful practices are not therapies.
- (14) Amend statement 32 of Chapter 5 by adding the following sentence at the end: *By working with state and territory governments, Labor will facilitate the introduction of laws that end LGBTQA+ conversion practices across the country.*
- (15) Add a sentence to statement 30(d) of Chapter 5 that states: *Labor works with the states and territories to ensure the end of medial interventions on people with variations in sex characteristics that are intended to normalise the appearance or function of sex characteristics.*

- (16) Retains statement 30(e) of Chapter 5 of the National Platform.

A multicultural nation

- (17) Add a statement to 'A multicultural nation' in Chapter 5 that states: *Labor will develop, implement and resource a National Anti-Racism Strategy, in partnership with the community, and endeavour to implement with bipartisan support.*

Chapter 6: Strengthening Australian Democracy

Strong democratic and public institutions

- (18) That the Australian Labor Party add a statement to Chapter 6 that states: *Labor understands the important of the Australian Human Rights Commission and will properly resource it to uphold and strengthen human rights. Labor will also resource a National Human Rights Education program that is delivered by community organisations.*

Healthy public debate

- (19) Add a statement to 'Healthy public debates' in Chapter 6 that states: *Labor recognises the importance of the right to protest - including the right to assembly and the right to expression - and will oppose any efforts that undermine these rights and will proactively work to strengthen them.*

Justice for all

- (20) Amends statement 30 of Chapter 6 so that it reads: *Access to justice is essential to the rule of law and integral to the enjoyment of basic human rights to which all Australians, and all people in Australia's care, are entitled. Labor will ensure our justice system is fair, simple, affordable and accessible. To this end, Labor will work with states and territories, and commit Commonwealth funding, to ensure legal assistance services, including legal aid commissions, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, and Community Legal Centres and their representative bodies are properly resourced - commensurate to need and geographical scale. In particular this includes the adequate resourcing of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the Forum.*
- (21) Amends statement 41 of Chapter 6 so that it reads: *Labor opposes mandatory sentencing. In substituting the decisions of politicians for those of judges, mandatory sentencing undermines the independence of the judiciary. It leads to unjust outcomes and is often discriminatory in practice. Mandatory sentencing does not reduce crime, and leads to perverse consequences that undermine community safety, such as by making it more difficult to successfully prosecute criminals. Labor commits to repealing mandatory sentencing from Commonwealth legislation, and to work with the states and territories to end mandatory sentencing nation-wide.*

Chapter 7: Australia's Place in the World

Defenders of Australia Sovereignty

- (22) Amends statement 4 of Chapter 7 so that it includes permanent residents and other visa holders.
- (23) Amends statement 6 of Chapter 7 so that it reads: *Labor will ensure Australia's capabilities to combat cyber security threats are up to date and that laws are suitably*

flexible and able to respond to evolving threats, while protecting the human rights (including privacy) of individuals.

An enduring friend and ally

- (24) Amends statement 11 of Chapter 7, so that it reads: *Labor acknowledges the vital important to Australia of our relationship with Indonesia - as one of our nearest neighbours and the world's third largest democracy - and will seek to deepen social and cultural ties and increased trade between our two countries. Labor will work with Indonesia to improve human rights accountability and protections in both countries.*
- (25) Amends statement 14 of Chapter 7 so that it reads: *Labor supports an enduring and just two-state solution to the Israeli-Palestinian conflict, based on the right of Israel to live in peace with secure borders internationally recognised and agreed by the parties, and reflecting the legitimate aspirations of the Palestinian people to also live in peace and security within their own state. Labor will ensure Australia abides by our legal obligations and will ban Israeli settlement products from entering Australian markets, and prevent Australian companies from operating in Israeli settlements or trading in settlement goods.*

Self-reliant defence and peace-making

- (26) Adds a sentence to statement 15 of Chapter 7 that reads: *Labor will promote military accountability and a military culture that promotes international humanitarian law, and ensure all breaches are independently and thoroughly investigated and punished where breaches are found to have occurred.*

Partners for peace and prosperity in our region

- (27) Adds (g) to statement 21 in Chapter 7 that reads: *that the promotion and protection of human rights is at the centre.*

Supporting the international rules based order

- (28) Adds a sentence to the end of statement 24 of chapter 7, that reads: *Labor will not enter open trade agreements or comprehensive economic partnerships that entrench or risk human rights violations of the proposed partner.*
- (29) Amends statement 26 of Chapter 7 by removing the words: *agreed by the international community.*
- (30) Amends statement 26 of Chapter 7 by adding the sentences: *Prisoners of conscience deserve to be able to be who they are, and believe in what they want. Human rights defenders should be free to undertake their important work. Labor supports prisoners of conscience and human rights defenders and will work to protect them and fight for their freedom (if detained) and their safety.*
- (31) Amends statement 29 of Chapter 7 so that it reads: *Labor supports and will fully ratify and implement the UN Declaration on the Rights of Indigenous Peoples and will facilitate the active involvement and leadership of Indigenous people in UN forums.*
- (32) Amends statement 30 of Chapter 7 so that it reads: *Labor will champion gender equality and the economic, social and political empowerment of people who identify as women and girls, including trans and gender diverse people. We will pursue measures to reduce*

violence against women and girls, particularly with Australia's Pacific neighbours, and acknowledge the disproportionate suffering experienced by women in conflict zones.

- (33) Amends statement 31 of Chapter 7 so that it reads: *Labor will actively advocate for the abolition of the death penalty and torture across the world by developing and fully-resourcing a death penalty abolition strategy.*
- (34) Add a section to the 'Supporting the international rules based order' part of Chapter 7 that reads: *Labor will encourage the visiting of Special Rapporteurs to Australia to undertake human rights monitoring and fact finding missions, and cooperate with their requirements fully.*

Protecting Australians overseas

- (35) Amends section 43 of Chapter 7 so that it reads: *Australia must support and protect the safety of all people who call Australia home. Labor will deliver a high standard of travel advice and timely and appropriate consular assistance, especially those overseas whose rights are being violated.*

Strong borders and a strong humanitarian immigration program

- (36) Amends statement 52 of Chapter 7 so that it reads: *Under the Refugee Convention, asylum seekers have the right to seek protection and asylum. Labor will continue to show global leadership and increase Australia's humanitarian refugee intake to at least 30,000 people and we will treat people seeking our protection with dignity and compassion in accordance with our international obligations, the rule of law and the principles of fairness. Labor believes as a nation we must not harm people seeking refuge.*

Statements in Detail: Trade

- (37) Adds the following sentence to statement 4 of the Statement in Detail: Trade so that it reads: *Violating human rights or acting contrary to these values will lead to a review of the trading relationship, including the possibility of applying sanctions.*
- (38) Retains statement 24 of Statements in Detail: Trade.

Statements in Detail: Sexual and reproductive health

- (39) Amends statement 3(b) of Statements in Detail: Sexual and reproductive health, so that it reads: *Work with states and territories to implement safe access zones for women seeking termination services, and other relevant legal protections, as well as expand service provision in the public system.*

Statements in Detail: A nation built on migration

- (40) Adds the following sentence to statement 25 of Statements in Detail: A nation built on migration so that it reads: *Labor will also work with Bangladesh, Malaysia and Indonesia to ensure the safe and effective management of people seeking refuge by sea, including by enacting the Bali Process.*
- (41) Amends statement 27 of Statements in Detail: A nation built on migration so that it reads: *Labor will increase the humanitarian intake of refugees to at least 30,000 people to create an orderly pathway to resettlement in Australia. This would help reduce the risk of asylum seekers being exploited by people smugglers and provide asylum seekers with an alternative to boat travel to Australia.*

Statements in Detail: Australia's humanitarian intake, settlement services and refugee assessment

- (42) Amends statement 6 of Statements in Detail: Australia's humanitarian intake, settlement services and refugee assessment so that it reads: *State, Territory and local governments support refugees to settle in Australia. Labor will facilitate 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. Any community sponsored places should be in addition to the government's refugee and humanitarian program. The cost of sponsorship will be significantly reduced to ensure sponsorship is a realistic option for business, community groups and individuals.*
- (43) Amends statement 7 of Statements in Detail: Australia's humanitarian intake, settlement services and refugee assessment so that it reads: *Labor aspires to increase Australia's government funded humanitarian intake to 30,000 places per year.*
- (44) Amends statement 8 of Statements in Detail: Australia's humanitarian intake, settlement services and refugee assessment so that it reads: *Labor aspires to increase the community sponsored refugee program intake to 10,000 places per year.*
- (45) Retains statements 10, 13 and 15 of Statements in Details: Australia's humanitarian intake, settlement services and refugee assessment.

Statements in Detail: Australia's border and immigration detention

- (46) Removes statement 4 of Statements in Detail: Australia's border and immigration detention and replaces it with: *Labor is committed to ending offshore processing, and bringing all refugees and asylum seekers previously transferred to Papua New Guinea and Nauru to Australia, or a safe third country.*
- (47) Amends statement 8 of Statements in Detail: Australia's border and immigration detention so that it reads: *Under Labor's policies, unauthorised arrivals who enter for the purpose of seeking asylum will be mandatorily detained, for management of health, identity and security matters. Labor will ensure this is for the shortest period possible.*
- (48) Amends statement 14 of Statements in Detail: Australia's border and immigration detention by adding an additional bullet point that reads: *Place refugees and asylum seekers who are detained in immigration detention or Alternate Places of Detention in community detention while the relevant arrangements and deals are made.*

2. Chapter 1: Building Australia's Prosperity

A better future for our farmers

- 2.1 Amnesty International Australia commends Labor for recognising climate change as a challenge to Australia's food security, in Chapter 1, s108. Climate change is a threat to our right to food, as per Article 25 of the Universal Declaration on Human Rights (UDHR); to fully enjoy human rights this must be addressed.
- 2.2 Chapter 1, s108(f) commits to 'work[ing] with the sector to improve climate adaptation programs'. Whilst this is important for the short-term, the key way to tackle the effects of climate change is by acknowledging the urgency of the climate crisis and setting world-leading, ambitious targets to bring emissions to net-zero.

Recommendation 1: That the Australian Labor Party commits to tackling the climate crisis, in line with the best available science and our international responsibilities, by setting a target of achieving net-zero emissions by 2040, and with a robust and independent process to inform each five-yearly interim target. The Australian Labor Party must also aim to achieve a reduction in greenhouse gas emissions of at least 50% by 2030.

3. Chapter 2: Developing Our People

Quality schooling for everyone

- 3.1 In 2018, 164,484 children were suspended from school (this number does not include suspensions in Victoria or Western Australia, as these states do not report on suspensions).
- 3.2 By suspending or expelling a child, a school is denying them their right to education, to which they are entitled to under international conventions. Article 26 of the UDHR provides for the right to education. The Convention on the Rights of the Child (CRC) provides that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.
- 3.3 Significant reform is needed to the way that schools discipline children and young people. Discipline shouldn't lead to disengagement from school. Teachers need to be empowered with alternatives to suspensions and exclusions that promote re-engagement in a safe way.

Recommendation 2: That the Australian Labor Party includes in its National Platform a commitment to a national investigation of the impacts of suspensions and exclusions on children and young people in schools with specific reference to links to incarceration and engagement with the justice system, and implement alternatives that focus on re-engaging children and young people into the education system.

- 3.4 Chapter 2, s63 states that Labor will oversee a national curriculum and national student assessment framework that is free from political or commercial influence and lists other aims of the curriculum.
- 3.5 Section 63(d) states that such a curriculum will include ‘civics and citizenship to develop in students a deep knowledge of their rights and freedoms and equip them with the ability to play an active role in our democracy.’ It does not have any outcomes related to Indigenous education or culture.
- 3.6 The National Curriculum does not currently include the compulsory study of any Indigenous literature. The decision to study Indigenous texts lies at the discretion of each school and leads to a lack of education surrounding Indigenous culture, history and issues. Compulsory adoption of at least one Indigenous text within secondary schools will provide Australian students with appropriate exposure to Indigenous perspectives, broadening the capacity for widespread knowledge and understanding. It will also expose students to Indigenous languages which will provide them with an important understanding of culture.
- 3.7 Greater representation of Indigenous language and literature within schools will support Indigenous students in feeling represented and valued. Australian schools have the ability to play a pivotal role in providing a voice for Indigenous storytelling across the country. This role can be provided through a simple, uncontroversial and necessary amendment to the Australian Curriculum.

Recommendation 3: That the Australian Labor Party amend statement 63 in Chapter 2 to include that the national curriculum must have educational outcomes around Indigenous culture and language, and include the compulsory inclusion of texts written by Indigenous authors.

4. Chapter 3: Climate Change, Energy and the Environment

- 4.1 As affirmed by the UN Human Rights Council Resolution 41/21 and the Intergovernmental Panel on Climate Change (IPCC), climate change “directly and indirectly threaten[s] the full and effective enjoyment of a range of human rights by people throughout the world, including the rights to life, safe drinking water and sanitation, food, health, housing, self-determination, culture, work and development.”
- 4.2 The Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that “climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, the empowerment of women and intergenerational equity”.

Recommendation 4: That the Australian Labor Party explicitly recognise climate change as a fundamental threat to a full range of human rights, including the rights to life, water, food, health, housing, culture, self-determination and development, for present and future generations.

- 4.3 While climate change affects all, the rights of Indigenous peoples in Australia are at higher risk. Aboriginal and Torres Strait Islander peoples are especially vulnerable to the effects of climate change due to their deep connection to country.
- 4.4 Amnesty International Australia commends Labor on the inclusions of sections 4, 9, 31(a), 36, 37, 38, 39(a)(b)(c)(d) of Chapter 3 which outlines the importance of the custodianship of the land by Indigenous people, and that they play an important role in addressing climate change.

Recommendation 5: That the Australian Labor Party retains statements 4, 9, 31(a), 36, 37, 38, 39(a)(b)(c)(d) in Chapter 3 of the National Platform.

- 4.5 The climate crisis increases inequalities among countries, with least developed countries, low-lying, small island states such as our Pacific neighbours, and arid countries bearing the highest-burden, despite their much smaller contribution to climate change.
- 4.6 Amnesty International Australia notes that the Draft Platform does not have any statements regarding assisting less developed countries in regards to climate change (apart from statements around climate refugees).

Recommendation 6: That the Australian Labor Party add to its National Platform a commitment to ensuring that sufficient financing and support is in place for less developed countries - particularly in the Pacific and South East Asia - to be able to reduce emissions, protect people facing the impacts of the climate crisis, including through more robust adaptation measures, and provide remedy for the losses and damages people have already suffered.

5. Chapter 4: A Strong and Healthy Society

Health: equity, access and reform

- 5.1 At present, prisoners and young people in detention are excluded from accessing Medicare under section 19(2) of the *Health Insurance Act 1973* (Cwth).
- 5.2 The exclusion was designed to avoid duplication of services – with state and territory governments funding prison-based health services. In practice however this exemption promotes duplication of services. Prisoners' health needs are falling through the gaps when particular treatments or therapies - such as Mental Health Plans and Indigenous health checks - are not covered by prison-based health services. This forces the states and territories to recreate Federal government-funded services within the prison. The duplication of services comes at a significant cost for states and territories which then have less money to spend on programs that cut reoffending rates, or early intervention and diversion programs for young people at risk of engaging with the justice system.

- 5.3 This issue has been raised with Amnesty International Australia by state and territory corrections and health ministers.
- 5.4 The Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists, and the Public Health Association of Australia have each called for an end to the exclusion of prisoners and those in youth detention from Medicare.
- 5.5 Rule 24 of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Mandela Rules) states that 'prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status'. The exclusion of prisoners from accessing Medicare may put the Australian government in breach of these rules.

Recommendation 7: That the Australian Labor Party include in Chapter 4 of its National Platform that it will end the exclusion of prisoners and those in youth detention from Medicare and the Pharmaceutical Benefit Scheme.

Nurturing our children

- 5.6 Amnesty International Australia commends Labor on including section 32 in Chapter 5 regarding the overrepresentation of Indigenous children in Australia's child protection system.
- 5.7 A mechanism that would address the overrepresentation of Indigenous children in Australia's child protection system, and other related matters, is the creation of a national commissioner for Aboriginal and Torres Strait Islander children and young people in Australia.
- 5.8 The call for a National Commissioner builds on the increasing recognition by state and territory governments of the importance and value of a commissioner dedicated specifically to Aboriginal and Torres Strait Islander children and young people, as demonstrated by the establishment of similar bodies in Victoria, South Australia and Queensland.
- 5.9 A dedicated focus at the national level on advancing the rights of the current generation of Aboriginal and Torres Strait Islander children and young people is essential to end the intergenerational cycle of disadvantage and to promote better outcomes for future generations.

Recommendation 8: That the Australian Labor Party include in Chapter 4 of its National Platform that it will create the position of National Commissioner for Aboriginal and Torres Strait Islander Children and Young People.

6. Chapter 5: An Equal and Inclusive Nation

- 6.1 Amnesty International Australia commends Labor party on statements 1 - 6 of Chapter 5 of the Draft Platform. It is right and important to explicitly commit to upholding human rights.
- 6.2 Section 5 of Chapter 5 however should be strengthened in a way that commits Labor to developing and implementing a Human Rights Act.

- 6.3 Amnesty International Australia believes that overarching human rights protection – such as a human rights act or charter - is the best way to protect, promote and defend the human rights of all in Australia.
- 6.4 To date, rights protections are found in individual pieces of Commonwealth, State and Territory legislation (aside from protections introduced in Queensland, Victoria and the ACT). As a result, jurisprudence to inform how best to balance human rights when they are in competition is equally piecemeal or underdeveloped.
- 6.5 The certainty and level of clarity provided by one overarching document - and the jurisprudence that would flow in its interpretation - would greatly assist individuals, entities, governments and their agencies to best respect every person's human rights.

Recommendation 9: That the Australian Labor Party amend statement 5 of Chapter 5 to include a commitment to legislate a Human Rights Act for Australia, to ensure the rights to freedom of religion and other fundamental rights are protected and appropriately balanced. The objectives of a human rights act should contain as a minimum: right to recognition and equality, right to life, right to freedom of movement, right to privacy and reputation, right to religion and belief, right to peaceful assembly and freedom of association, cultural rights (right to enjoy culture, declare and practise religion and use their language), rights to education and the rights of children in the criminal process, and their access to health care.

- 6.6 The upholding of human rights in the parliament can also be achieved through amending the *Human Rights (Parliamentary Scrutiny) Act 2011* to ensure a more effective Joint Parliamentary Committee on Human Rights.
- 6.7 Professor George Williams noted that ‘there is little or no evidence that [the reports of the Human Rights Committee] have had a significant impact in preventing or dissuading parliaments from enacting laws that infringe basic democratic rights’. A review of bills 96 before the Commonwealth Parliament in the three year period from 2001 to 2003 found that, of the sixty-three Bills considered to burden human rights, forty-three (or approximately 68%) were enacted.

Recommendation 10: That the Australian Labor Party include in Chapter 5 of the National Platform a commitment to reform the Joint Parliamentary Committee on Human Rights and processes related to the parliamentary scrutiny of human rights.

Equality for First Nations People

- 6.8 Amnesty International Australia is committed to working towards ending the overrepresentation of Indigenous children and young people in the youth justice system. Indigenous children and young people are 27 times more likely to enter the youth justice system than their non-Indigenous peers.
- 6.9 The minimum age of criminal responsibility in all jurisdictions in Australia is currently 10 years old. The global median minimum age criminal responsibility is 14. The Committee on the Rights of the Child has also recommended that States work towards a minimum age of criminal responsibility of 14.

- 6.10 In just one year across Australia close to 600 children aged 10 to 13 years were locked up and thousands more were hauled through the criminal legal system.
- 6.11 Aboriginal and Torres Strait Islander children are disproportionately impacted by these laws and pushed into prison cells at even higher rates, accounting for 65% of these younger children in prisons.
- 6.12 Amnesty International Australia is part of a coalition of Indigenous and non-Indigenous organisations that are fighting for the minimum age of criminal responsibility to be raised. This includes: Change The Record, National Aboriginal and Torres Strait Islander Legal Services, Australian Indigenous Doctors Association, Human Rights Law Centre, Australian Medical Association, Law Council of Australia, Public Health Association of Australia, and Royal Australasian College of Physicians.

Recommendation 11: That the Australian Labor Party include under section 19 of Chapter 5 a new clause that reads: Labor recognises that Aboriginal and Torres Strait Islander children and young people are disproportionately represented in the criminal justice system, and supports raising the minimum age of criminal responsibility from 10 years old to 14 years old.

- 6.13 Amnesty International Australia commends Labor for again committing to justice reinvestment in its platform.
- 6.14 To ensure that children and young people don't end up in harmful youth prisons, there needs to be alternative pathways for them. These pathways should be Indigenous-led diversion and prevention programs that address the underlying causes of offending behaviour, and empower children and young people to live happy, healthy lives.
- 6.15 The first recommendation of the Australian Law Reform Commission's *Pathways to Justice* report, of which we understand the Labor Party is a vocal supporter, is for a national justice reinvestment body to be established.
- 6.16 Amnesty International Australia has consistently called for the implementation of the *Pathways to Justice* report, and in particular, the creation of a national Justice Reinvestment Body. Such a body would coordinate and support community-led justice reinvestment initiatives across Australia. A national body will ensure that these initiatives are effective and efficient and that savings are effectively realised and reinvested, in accordance with justice reinvestment methodology. A national body is also an opportunity to embed and resource Aboriginal and Torres Strait Islander cultural expertise at all levels to address the vastly disproportionate rates of contact Aboriginal and Torres Strait Islander people have with the justice system.

Recommendation 12: That the Australian Labor Party amend section 19(d) of Chapter 5 to read: support justice reinvestment and similar policy approaches that reduce high rates of incarceration for First Nations people, including the establishment of a national Justice

Reinvestment Body, and ensure deaths in custody are treated in a manner that maintains public confidence in the justice system.

Equal rights for LGBTIQ Australians

- 6.17 Amnesty International Australia particularly commends Labor’s positions on strengthening laws against discrimination on the grounds of sexual orientation, gender identity, sex characteristics and queer status (Chapter 5, s30(c)), “reparative” or “gay conversion” therapies’.
- 6.18 Amnesty International Australia notes that advocates and survivor groups have identified that labelling practices as ‘therapy’ is harmful, and that it should be referred to as LGBTQA+ conversion ‘practices’.
- 6.19 Labor can work with state and territory governments to end LGBTQA+ conversion practices. The Victorian government has recently introduced the *Change or Suppression (Conversion) Practices Prohibition Bill 2020*. This bill has been welcomed by advocates and survivor groups and something similar should be implemented across the country.

Recommendation 13: That the Australian Labor Party amend section 32 of Chapter 5 to replace the words, “reparative” or “gay conversion” therapies’ with the words ‘LGBTQA+ conversion practices to reflect these unproven and harmful practices are not therapies.

Recommendation 14: That the Australian Labor Party amend section 32 of Chapter 5 by adding the following sentence at the end: *By working with state and territory governments, Labor will facilitate the introduction of laws that end LGBTQA+ conversion practices across the country.*

- 6.20 Amnesty International Australia commends Labor on section 30(d) of Chapter 5; it is incredibly important that any law reform on the treatment of individuals with variations in sex characteristics is developed with the active participation of intersex organizations, activists, parents and peer support groups, and ensure accountability mechanisms. The views of children with variations of sex characteristics should also be taken into account when developing these policies.
- 6.21 Labor should commit to ending forced surgeries on babies born with variations in sex characteristics.
- 6.22 While data on the prevalence on forced surgeries not available, the Australian Human Rights Commission has noted that children born with variations in sex characteristics continue being subjected to non-emergency, invasive and irreversible medical intervention, including surgery and hormone treatment. The surgery and the early gender assignment can result in serious emotional and physical trauma to the individual, and can result in significantly reduced sexual sensitivity, loss of fertility, and urinary tract problems. Some intersex individuals assigned a particular gender and subjected to interventions to ‘normalise’ their bodies often later realize that they do not identify with the sex and gender they were assigned.
- 6.23 Rather than being based on medical research, non-emergency, invasive and irreversible interventions are frequently justified on the basis of deeply ingrained gender stereotypes: the

perceived need to assign the child one of two binary options for sex and gender, as well as to enable penis-in-vagina sexual intercourse from adolescence.

- 6.24 Amnesty International Australia is opposed to any medical intervention with the intention of 'normalising' the appearance or function of sex characteristics.

Recommendation 15: That the Australian Labor Party add a sentence to statement 30(d) of Chapter 5 of the National Platform that states: *Labor works with the states and territories to ensure the end of medial interventions on people variations in sex characteristics that are intended to normalise the appearance or function of sex characteristics.*

- 6.25 Amnesty International Australia strongly supports section 30(e) of Chapter 5 of the National Platform.

Recommendation 16: That the Australian Labor Party retains statement 30(e) of Chapter 5 of the National Platform.

A multicultural nation

- 6.26 In June 2020, Amnesty International Australia and 29 other organisations, including civil society groups and unions, signed an open letter to the Prime Minister, Scott Morrison, and Leader of the Opposition, Anthony Albanese, calling for bi-partisan support for a strategy to eradicate the everyday racism experienced by Australia's multicultural communities and Indigenous people.
- 6.27 As a nation, we need to come up with a strategy both broad and specific to combat racism wherever it is manifest, whether in policing, health care, housing, education or employment.
- 6.28 A bipartisan National Anti-Racism Strategy, designed to draw on existing experience and expertise to halt the rising tide of hate and promote social cohesion at all levels of Australian society is needed. Social and religious organisations, businesses, workers and communities have an important role to play in its development.
- 6.29 In response to the letter, Anthony Albanese MP, Senator Kristina Kenally, Linda Burney MP and Andrew Giles MP committed to implementing a national anti-racism strategy.
- 6.30 This commitment is not reflected in the Draft Platform.

Recommendation 17: That the Australian Labor Party add a statement to 'A multicultural nation' in Chapter 5 that states: *Labor will develop, resource and implement a National Anti-Racism Strategy in partnership with the community, and endeavour to implement it with bipartisan support.*

Freedom of thought, conscience and religion

- 6.31 Amnesty International Australia strongly supports sections 41-43 of Chapter 5 of the Draft Platform.

6.32 The best way to enact these sections is through the implementation of a Human Rights Act to ensure rights to freedom of religion and other fundamental rights are protected and appropriately balanced.

6.33 See **Recommendation 9** for details of a proposed Human Rights Act.

7. Chapter 6: Strengthening Australian Democracy

Strong democratic and public institutions

7.1 The Australian Human Rights Commission plays an important role in upholding and strengthening human rights in Australia. Among its functions are its role in investigating and conciliating discrimination and human rights complaints, advocating to government and other for human rights to be considered in laws and policy making, and promoting and raising awareness of human rights in Australia. It must be properly resourced to ensure that it can fully undertake its functions.

7.2 Human rights education is an integral part of a strong Australian democracy. Education in human rights is itself a fundamental human right and also a responsibility: the Preamble to the Universal Declaration of Human Rights exhorts "every individual and every organ of society" to "strive by teaching and education to promote respect for these rights and freedoms." The International Covenant on Civil and Political Rights declares that a government "may not stand in the way of people learning about [their rights]."

Recommendation 18: That the Australian Labor Party add a statement to Chapter 6 that states: *Labor understands the importance of the Australian Human Rights Commission and will properly resource it to uphold and strengthen human rights. Labor will also resource a National Human Rights Education program that is delivered by community organisations.*

7.3 Strong democratic institutions are those that involve as many people as possible in them. Amnesty International Australia submits that prisoners should be able to vote.

7.4 Canada has had, since 1982, an express right to vote, which is contained in its Canadian Charter of Rights and Freedoms. Section 3 provides that: Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. This provision is subject, however, to section 1 of the Charter, which provides The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

7.5 Amnesty International Australia submits that an express right to vote should be part of a national Human Rights Act.

7.6 See **Recommendation 9** for details of a proposed Human Rights Act.

Healthy public debate

- 7.7 Amnesty International Australia supports the statements in the ‘healthy public debate’ section of the draft platform.
- 7.8 There is however, an omission that must be rectified. Amnesty International Australia submits that the right to protest is an important part of a healthy public debate.
- 7.9 The right to protest is being undermined in Australia. For example, in 2019, the Queensland government passed the *Summary Offences and Other Legislation Amendment Act 2019*. Four United Nations Special Rapporteurs said the laws were “inherently disproportionate,” and could criminalise peaceful protest.
- 7.10 Worryingly, there is no federal Human Rights Act in Australia which can be used to challenge anti-protests laws in court and protect our human rights. The best way to protect the right to protest - including our rights to assembly and expression - is through the implementation of a Human Rights Act.
- 7.11 See **Recommendation 9** for details of a proposed Human Rights Act.
- 7.12 If Labor does not accept **Recommendation 9**:

Recommendation 19: That the Australian Labor Party add a statement to ‘Healthy public debates’ in Chapter 6 that states: *Labor recognises the importance of the right to protest - including the right to assembly and the right to expression - and will oppose any efforts that undermine these right, and will proactively work to strengthen them.*

Justice for all

- 7.13 A consistent finding of Amnesty International Australia’s research into the overrepresentation of Indigenous children and young people in the youth justice system, is that Aboriginal legal services, family violence prevention services and community legal centres deliver incredibly important outcomes for children and young people, but are underfunded.
- 7.14 Amnesty International Australia welcomes Labor’s commitment to ‘work with states and territories to ensure legal assistance services, including legal aid commissions, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, and Community Legal Centres are properly resourced.’
- 7.15 This commitment needs to be strengthened to ensure that these frontline services have a national voice.

Recommendation 20: That the Australian Labor Party amends statement 30 of Chapter 6 so that it reads: *Access to justice is essential to the rule of law and integral to the enjoyment of basic human rights to which all Australians, and all people in Australia’s care, are entitled. Labor will ensure our justice system is fair, simple, affordable and accessible. To this end, Labor will work with states and territories, and commit Commonwealth funding, to ensure legal assistance services, including legal aid commissions, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, and Community Legal Centres and their*

representative bodies are properly resourced - commensurate to need and geographical scale. In particular this includes the adequate resourcing of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the Forum.

- 7.16 Amnesty International Australia supports section 41 of Chapter 6 which is a strong rejection of mandatory sentencing.
- 7.17 All Australian states and territories have mandatory sentencing.
- 7.18 Some Commonwealth legislation also enacts mandatory sentencing.
- 7.19 Mandatory sentencing goes against international law - particularly in relation to children. International law stipulates that sentencing should aim to reintegrate the offender into the community as a law-abiding and responsible citizen. The Convention on the Rights of the Child explicitly says that sentencing for juvenile offenders should 'reinforce the child's respect for the human rights ... of others' taking into account 'the desirability of promoting the child's reintegration' (article 40.1).
- 7.20 Section 41 of Chapter 6 needs to be strengthened so that Labor commits to ending mandatory sentencing nation-wide.

Recommendation 21: That the Australian Labor Party amends statement 41 of Chapter 6 so that it reads: *Labor opposes mandatory sentencing. In substituting the decisions of politicians for those of judges, mandatory sentencing undermines the independence of the judiciary. It leads to unjust outcomes and is often discriminatory in practice. Mandatory sentencing does not reduce crime, and leads to perverse consequences that undermine community safety, such as by making it more difficult to successfully prosecute criminals. Labor commits to repealing mandatory sentencing from Commonwealth legislation, and to work with the states and territories to end mandatory sentencing nation-wide.*

8. Chapter 7: Australia's Place in the World

Defenders of Australia's sovereignty

- 8.1 Australia is made up of many people who are here under different circumstances. That is, we are not all citizens but we all must be protected. This should be reflected in section 4 of Chapter 7.

Recommendation 22: That the Australian Labor Party amends statement 4 of Chapter 7 so that it includes permanent residents and other visa holders.

- 8.2 Amnesty International Australia understands the importance of ensuring that Australia has the capability to combat cyber security threats. The responses to such threats however must not violate the human rights of individuals.

Recommendation 23: That the Australian Labor Party amends statement 6 of Chapter 7 so that it reads: *Labor will ensure Australia's capabilities to combat cyber security threats are up to date*

and that laws are suitably flexible and able to respond to evolving threats, while protecting the human rights, including privacy, of individuals.

An enduring friend and ally

- 8.3 Amnesty International Australia recognises that Indonesia is an important ally and welcomes Labor's commitment to deepen social and cultural ties and to increase trade between it and Australia.
- 8.4 Indonesia must be acknowledged however as a serious violator of human rights. Indonesia retains the death penalty, cracks down on freedom of expression and protection of human rights defenders, has regular use of excessive force by police, is violating human rights in Papua, and cracks down on the rights of the LGBTQIA+ community.

Recommendation 24: That the Australian Labor Party amends statement 11 of Chapter 7, so that it reads: *Labor acknowledges the vital important to Australia of our relationship with Indonesia - as one of our nearest neighbours and the world's third largest democracy - and will seek to deepen social and cultural ties and increased trade between our two countries. Labor will work with Indonesia to improve human rights accountability and protections in both countries.*

- 8.5 Amnesty International Australia supports statement 14 of Chapter 7 of the Draft Platform.
- 8.6 The matter of illegal settlements in the Occupied Palestinian Territories however, is incredibly important and should be addressed in the Draft Platform.
- 8.7 Israel's policy of settling its civilian nationals in the West Bank and, until 2005, Gaza contravenes two fundamental principles of customary international humanitarian law: the temporary nature of occupation and the prohibition on transferring civilians into occupied territory.
- 8.8 Article 49 of the Fourth Geneva Convention states categorically: 'The Occupying Power shall not deport or transfer parts of its own civilian population in the territory it occupies.' Article 55 of the Hague Regulations forbids occupying countries from changing the character and nature of an occupied territory's property, except for security needs and/or the benefit of the local population. Israel's building of civilian settlements in the West Bank and, until 2005, Gaza, does not meet these two exceptional criteria. The settlements do not benefit the Palestinians, quite the contrary. Nor do they serve the legitimate security needs of the occupying power.
- 8.9 Amnesty International calls on all States to stop economically supporting the settlements by banning products from settlements in their countries; and prevent their companies from operating in the settlements or trading in settlement goods.
- 8.10 Tens of millions of dollars of settlement products are exported every year, with profits helping to sustain the inherently discriminatory policy of the settlements. The settlement economy relies on unlawfully appropriated Palestinian natural resources, such as water, fertile land, stone quarries, and minerals. Israel limits Palestinian access to these resources.

Recommendation 25: That the Australian Labor Party amends statement 14 of Chapter 7 so that it reads: *Labor supports an enduring and just two-state solution to the Israeli-Palestinian conflict, based on the right of Israel to live in peace with secure borders internationally recognised and agreed by the parties, and reflecting the legitimate aspirations of the Palestinian people to also live in peace and security within their own state. Labor will ensure Australia abides by our legal obligations and will ban Israeli settlement products from entering Australian markets, and prevent Australian companies from operating in Israeli settlements or trading in settlement goods.*

Self-reliant defence and peace-making

8.11 Amnesty International supports section 15 of Chapter 7. Given the recent *Inspector-General of the Australian Defence Force Afghanistan Inquiry Report* however, it is important to recognise that Australian soldiers may commit crimes, including those categorised as war crimes, whilst representing Australia. A culture that allows such crimes to be committed must be quashed.

Recommendation 26: That the Australian Labor Party adds a sentence to statement 15 of Chapter 7 that reads: *Labor will promote military accountability and a military culture that promotes international humanitarian law, and ensure all breaches are independently and thoroughly investigated and punished where breaches are found to have occurred.*

Partners for peace and prosperity in our region

8.12 Australia's relationship with the Indo-Pacific region is incredibly important. Amnesty International Australia agrees with the points laid out in section 21 of Chapter 7.

8.13 Amnesty International Australia submits however that the respect and upholding of human rights is essential for the relationship with the Indo-Pacific region to succeed.

Recommendation 27: That the Australian Labor Party adds (g) to statement 21 in Chapter 7 that reads: *that the promotion and protection of human rights is at the centre.*

Supporting the international rules based order

8.14 Amnesty International Australia strongly supports statements 22 to 31 of Chapter 7. Some amendments are necessary to ensure that human rights are at the centre of Australia's relationship with the global community.

8.15 Amnesty International Australia understands that open trade agreements and comprehensive economic partnerships are of geopolitical and economic importance. However, it is important that in making such agreements and joining such partnerships, that Labor is assured that human rights are not at risk because of the agreement or partnership, nor do they entrench human rights violations.

Recommendation 28: That the Australian Labor Party adds a sentence to the end of statement 24 of chapter 7, that reads: *Labor will not enter open trade agreements or comprehensive economic partnerships that entrench or risk human rights violations of the proposed partner.*

- 8.16 The language used in statement 26 of Chapter 7 is encouraging and welcomed. It is crucial that Australia pursues human rights matters through diplomatic, economic and international development assistance means, including by bilateral representations and formal bilateral human rights dialogues.
- 8.17 Amnesty International submits that targeted sanctions must protect human rights in ways that do not hurt the population of the country in question, but that such sanctions do not necessarily need to be in conjunction with the international community. It is important for Labor to commit to pursuing such sanctions through domestic decision-making processes.

Recommendation 29: That the Australian Labor Party amends statement 26 of Chapter 7 by removing the words: *agreed by the international community.*

- 8.18 Prisoners of conscience are someone who has not used or advocated violence but is imprisoned because of who they are (sexual orientation, ethnic, national or social origin, language, birth, colour, sex or economic status) or what they believe (religious, political or other conscientiously held beliefs).
- 8.19 Human rights defenders are people – journalists, lawyers, health professionals, teachers and activists – who defend the rights of all of us. They face many impediments and sometimes even serious danger for the work they do. The European Union has committed to support and protect Human Rights Defenders in the *European Guidelines on Human Rights Defenders*.
- 8.20 Amnesty International Australia submits that Australia has a special responsibility to protect prisoners of conscience and human rights defenders, and to fight for their freedom (if detained) and their safety.

Recommendation 30: That the Australian Labor Party amends statement 26 of Chapter 7 by adding the sentences: *Prisoners of conscience deserve to be able to be who they are, and believe in what they want. Human rights defenders should be free to undertake their important work. Labor supports prisoners of conscience and human rights defenders and will work to protect them and fight for their freedom (if detained) and their safety.*

- 8.21 Amnesty International Australia appreciates Labor's support for the *United Declaration on the Rights of Indigenous Peoples* however stresses that the benefits of the Declaration will not be enjoyed until it is fully ratified and implemented.
- 8.22 Similarly, Amnesty International Australia support's Labor's intention to ensure the 'participation' of Indigenous people in UN forums, however we should be striving for Indigenous people's 'active involvement' and 'leadership' in such forums.

Recommendation 31: That the Australian Labor Party amends statement 29 of Chapter 7 so that it reads: *Labor supports and will fully ratify and implement the UN Declaration on the Rights of Indigenous Peoples and will facilitate the active involvement and leadership of Indigenous people in UN forums.*

8.23 Amnesty International Australia fully supports section 30 of Chapter 7 of the Draft Platform but in the interests of inclusion submits that the language be amended.

Recommendation 32: That the Australian Labor Party amends statement 30 of Chapter 7 so that it reads: *Labor will champion gender equality and the economic, social and political empowerment of people who identify as women and girls, including trans and gender diverse people. We will pursue measures to reduce violence against women and girls, particularly with Australia's Pacific neighbours, and acknowledge the disproportionate suffering experienced by women in conflict zones.*

8.24 Abolition of the death penalty globally is crucial and should rank high amongst Labor's foreign affairs objectives. Australia should be a leading advocate for the abolition of death penalty. To do so, Labor will require a proactive strategy designed to achieve abolition.

Recommendation 33: That the Australian Labor Party amends statement 31 of Chapter 7 so that it reads: *Labor will actively advocate for the abolition of the death penalty and torture across the world by developing and fully-resourcing a death penalty abolition strategy.*

8.25 Special Rapporteurs have played an important role over a long period of time in promoting and protecting human rights in some of the most difficult circumstances and on some of the most challenging issues. They have done so through not only monitoring and fact finding but also standard-setting over the past three or so decades. They have been credited for influencing significantly the elaboration, interpretation and implementation of international human law and brought the human rights work of the UN to ordinary people around the globe.

8.26 The Special Rapporteur on Indigenous Peoples and the Special Rapporteur on Torture have been to Australia in recent years and have made important recommendations to governments in these areas.

Recommendation 34: That the Australian Labor Party add a section to the 'Supporting the international rules based order' part of Chapter 7 that reads: *Labor will encourage the visiting of Special Rapporteurs to Australia to undertake human rights monitoring and fact finding missions, and cooperate with their requirements fully.*

Protecting Australians overseas

8.27 Amnesty International Australia supports section 43 of Chapter 7 but submits that travel advice and consular assistance should be delivered to Australians, permanent residents, and other relevant visa holders.

Recommendation 35: That the Australian Labor Party amends section 43 of Chapter 7 so that it reads: *Australia must support and protect the safety of all people who call Australia home. Labor will deliver a high standard of travel advice and timely and appropriate consular assistance, especially those overseas whose rights are being violated.*

Strong borders and a strong humanitarian immigration program

- 8.28 Australia's humanitarian intake was reduced by 5,000 people a year in the Federal 2020-21 Budget. 13,750 people will now be allowed into the country for humanitarian reasons.
- 8.29 The reduction was cited as a savings measure. The Budget said that over four years from 2020-21, this measure will result in an overall reduction in expenditure of \$958.3 million and revenue reduction of \$47 million.
- 8.30 Amnesty International Australia submits however that savings should actually be made by ending offshore detention. The Department of Home Affairs spent \$961 million in "irregular maritime arrivals offshore management" last financial year and has budgeted almost \$1.19 billion for 2020-21.
- 8.31 At a time when the government should be doing more to fulfill our global obligations to secure vulnerable people's refuge, the current Federal government is dramatically winding the program back.
- 8.32 To rescue the humanitarian immigration program, Labor will need to set ambitious targets and dramatically increase the intake.

Recommendation 36: That the Australian Labor Party amends statement 52 of Chapter 7 so that it reads: *Under the Refugee Convention, asylum seekers have the right to seek protection and asylum. Labor will continue to show global leadership and increase Australia's humanitarian refugee intake to at least 30,000 people and we will treat people seeking our protection with dignity and compassion in accordance with our international obligations, the rule of law and the principles of fairness. Labor believes as a nation we must not harm people seeking refuge.*

9. Statements in Detail: Trade

- 9.1 Amnesty International Australia strongly supports section 4 of Statements in Detail: Trade. A commitment to trade with countries that respect human rights helps uphold the international rules based order.
- 9.2 The spirit of section 4 cannot be fulfilled if there aren't measures in place to hold countries to account if they act contrary to the values of justice and equality, community views, workers' rights and the interests of developing countries, or if they violate human rights.

Recommendation 37: That the Australian Labor Party adds the following sentence to section 4 of the Statement in Detail: Trade so that it reads: *Violating human rights or acting contrary to these values will lead to a review of the trading relationship, including the possibility of applying sanctions or other appropriate accountability measures.*

9.3 Amnesty International Australia strongly supports section 24 of Statements in Detail: Trade.

Recommendation 38: That the Australian Labor Party retains section 24 of Statements in Detail: Trade.

10. Statements in Detail: Sexual and reproductive health

10.1 Amnesty International Australia supports section 3(b) of Statements in Detail: Sexual and reproductive health. Amnesty International Australia submits that the state should proactive and effective measures including legislative or other steps that may be necessary to protect and guarantee women and girls' right to health, physical integrity, non-discrimination and privacy as they seek healthcare information and services at clinics, free of harassment and intimidation amounting to obstruction of their access to that healthcare.

Recommendation 39: That the Australian Labor Party amends statement 3(b) of Statements in Detail: Sexual and reproductive health, so that it reads: *Work with states and territories to implement safe access zones for women seeking termination services, and other relevant legal protections, as well as expand service provision in the public system.*

11. Statements in Detail: A nation built on migration

11.1 Amnesty International Australia supports Labor's commitment to working with Myanmar 'in the critical task of protecting human rights for all'.

11.2 It is important to acknowledge the role that third countries play in the source of refugees from Myanmar to Australia. Bangladesh, Malaysia and Indonesia regularly 'push-back' Rohingya refugees. The Bali Process has been under-utilised to solve these issues.

Recommendation 40: That the Australian Labor Party adds the following sentence to statement 25 of Statements in Detail: A nation built on migration so that it reads: *Labor will also work with Bangladesh, Malaysia and Indonesia to ensure the safe and effective management of people seeking refuge by sea, including by enacting the Bali Process.*

11.3 As per sections 8.28 to 8.31 of this submission, Amnesty International Australia submits that Australia increases its humanitarian intake to at least 30,000 people.

Recommendation 41: That the Australian Labor Party amends statement 27 of Statements in Detail: A nation built on migration so that it reads: *Labor will increase the humanitarian intake of refugees to at least 30,000 people to create an orderly pathway to resettlement in Australia. This would help reduce the risk of asylum seekers being exploited by people smugglers and provide asylum seekers with an alternative to boat travel to Australia.*

12. Statements in Detail: Australia's humanitarian intake, settlement services and refugee assessment

12.1 Australia's existing community sponsored refugee resettlement program is expensive. The cost deters organisations from sponsoring refugees. Currently, the high cost of the

application and visas is approximately \$80,000 for a family of five – three times the amount of the Canadian program.

- 12.2 Amnesty International Australia as supports Labor’s commitment to allow community, family and businesses to sponsor refugees.

Recommendation 42: That the Australian Labor Party amends statement 6 of Statements in Detail: Australia’s humanitarian intake, settlement services and refugee assessment so that it reads: *State, Territory and local governments support refugees to settle in Australia. Labor will facilitate 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. Any community sponsored places should be in addition to the government’s refugee and humanitarian program. The cost of sponsorship will be significantly reduced to ensure sponsorship is a realistic option for business, community groups and individuals.*

- 12.3 As per sections 8.28 to 8.31 of this submission, Amnesty International Australia submits that Australia increases its humanitarian intake to at least 30,000 people.

Recommendation 43: That the Australian Labor Party amends statement 7 of Statements in Detail: Australia’s humanitarian intake, settlement services and refugee assessment so that it reads: *Labor aspires to increase Australia’s government funded humanitarian intake to 30,000 places per year.*

- 12.4 Based on Australia’s wealth, population and current support for community sponsorship, Amnesty submits that the Australian community could support the sponsorship of around 10,000 refugees per annum through the community sponsorship program.

Recommendation 44: That the Australian Labor Party amends statement 8 of Statements in Detail: Australia’s humanitarian intake, settlement services and refugee assessment so that it reads: *Labor aspires to increase the community sponsored refugee program intake to 10,000 places per year.*

- 12.5 Amnesty International strongly supports the abolition of Temporary Protection Visas and Safe Haven Enterprise Visas, Labor’s commitment to explore options other than indefinite detention for refugees with adverse security assessments, and the reintroduction of the 90 day rule into the Migration Act.

Recommendation 45: That the Australian Labor Party retains statements 10, 13 and 15 of Statements in Details: Australia’s humanitarian intake, settlement services and refugee assessment.

13. Statements in Detail: Australia’s border and immigration detention

- 13.1 Amnesty International Australia does not support the offshore processing of refugees and asylum seekers.

13.2 Amnesty International Australia submits that Australia needs to discard its deterrence-focused strategy and instead adopt a protection-based approach and work to more effectively engage the region on issues relating to protection, in order to mitigate the risks of people making dangerous onward journeys by sea and have a rights respecting framework to receive and process those who are forced to do so. What is needed is greater coordination of existing and additional initiatives that combine unconditional aid, diplomatic efforts and humanitarian assistance in a comprehensive way.

Recommendation 46: That the Australian Labor Party removes statement 4 of Statements in Detail: Australia's border and immigration detention and replaces it with: *Labor is committed to ending offshore processing, and bringing all refugees and asylum seekers transferred to Papua New Guinea and Nauru to Australia, or a third safe country.*

13.3 The fast and efficient processing of refugees and asylum seekers for management of health, identity and security risks to the community, is important for their health and wellbeing.

Recommendation 47: That the Australian Labor Party amends statement 8 of Statements in Detail: Australia's border and immigration detention so that it reads: *Under Labor's policies, unauthorised arrivals who enter for the purpose of seeking asylum will be mandatorily detained, for management of health, identity and security matters. Labor will ensure this is for the shortest period possible.*

13.4 Amnesty International Australia supports the commitments made in section 14 of Statements in Detail: Australia's border and immigration detention. It submits however that Labor should commit to ending the detention of refugees and asylum seekers, including in Alternate Places of Detention, and grants them community detention.

Recommendation 48: That the Australian Labor Party amends statement 14 of Statements in Detail: Australia's border and immigration detention by adding an additional bullet point that reads: *Place refugees and asylum seekers who are detained in immigration detention or Alternate Places of Detention in community detention while the relevant arrangements and deals are made.*

14. Conclusion

14.1 With the adoption of the 48 recommendations that strive to put human rights at the Labor National Platform's centre, in this submission, Amnesty International Australia believes that a future Labor government will have a solid foundation to strengthen and promote human rights in Australia and abroad.

14.2 Amnesty International Australia thanks Labor for the opportunity to submit to the Draft National Platform and welcomes and further engagement on these recommendations.