



AMNESTY INTERNATIONAL AUSTRALIA 2021 HUMAN RIGHTS BAROMETER

WHAT ARE AUSTRALIANS CURRENT ATTITUDES TO
THEIR RIGHTS AND THE RIGHTS OF OTHERS?

2021 HUMAN RIGHTS BAROMETER

AMNESTY
INTERNATIONAL



WHAT RIGHTS ARE IMPORTANT FOR YOU AND FOR OTHERS?



Right to vote



Freedom from
discrimination



Right to free speech



Right to equal treatment
before the law



Freedom of religion
and culture



Right to work



Right to protest



Right to seek asylum from
persecution

76% support the introduction of a National Human Rights Act.

73% agree that COVID-19 restrictions impacts upon rights were worth it to slow the spread.

DO YOU SUPPORT LETTING COMMUNITIES THAT HAVE THE RESOURCES, SPONSOR REFUGEES TO LIVE THERE?



HOW MUCH OPPORTUNITY DO INDIGENOUS AUSTRALIANS HAVE COMPARED TO NON-INDIGENOUS AUSTRALIANS?



FEWER



SAME



MORE

WHICH GROUP NEEDS THE MOST PROTECTION OF THEIR RIGHTS?



INDIGENOUS PEOPLE



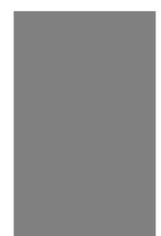
REFUGEES



ETHNIC MINORITIES



IMMIGRANTS



WOMEN



Amnesty International is a global movement of more than 10 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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METHODOLOGY

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The Amnesty International Australia Human Rights Barometer was designed and conducted by Pragmatic Research's Principal, Pete Wilson. The research was conducted under strict privacy laws with the confidentiality of respondents assured. In addition to the survey, reporting and research was conducted by Amnesty International Australia researchers.

QUESTIONNAIRE

A questionnaire was developed in conjunction with Amnesty International Australia to cover the following areas of enquiry amongst the Australian population:

- Current attitudes to human rights: which rights are important on a personal level and which are important to others. A total of 21 rights were tested, derived from the Universal Declaration of Human Rights
- Awareness and support for an Australian Human Rights Act (HRA)
- Attitudes towards asylum seekers and refugees
- Attitudes towards multiculturalism and perceptions around racism in Australia, including Indigenous opportunity
- The impact of the COVID-19 pandemic on people's rights

The questionnaire also contained questions covering demographics, the level of political engagement and activism and voting intentions of respondents.

FIELDWORK

The online survey fieldwork was conducted by Ipsos from February 24 to March 8, 2021. Ipsos programmed and hosted the survey and used their national Online Access panel of over three million Australians to derive the final sample. Reminder emails were sent to non-responders after their initial survey invitation. The median time taken to complete the survey was nine minutes.

SAMPLE

To ensure a broad cross-section of respondents was obtained quotas were set on region, gender and age. A total of n=1,601 people completed the survey nationally. The Appendix contains a full breakdown of the sample profile.

The margin of error for a 50% result from the survey data is +/- 2.5% at a 95% confidence level. That is, if the result of a particular question is 50% we can be 95% confident the result is between 47.5% and 52.5%.

EXECUTIVE SUMMARY



It's been more than 72 years since the United Nations proclaimed the Universal Declaration on Human Rights (UDHR). This milestone document was announced at the United Nations in Paris on December 10, 1948 and set out for the first time fundamental human rights to be universally protected.

Australia was a founding member of the United Nations and was instrumental in drafting the UDHR with Herbert "Doc" Evatt becoming the president of the UN General Assembly and overseeing the adoption of the UDHR. Yet today, Australia remains the only western democracy without a national human rights act. Over this time activists have fought and won several important human rights victories including legislating equal pay, the 1967 constitutional referendum on Aboriginal rights and the legalisation of same-sex marriage — but the struggle for rights is far from over.

The successful Marriage Equality plebiscite showed that Australians not only value protecting people's rights, but doing so in law. Which begs the question, why are we the only liberal democracy that doesn't protect everyone's rights in law in one act of parliament?

Indeed, the polling Amnesty International Australia commissioned for this report indicates 76% of people support the introduction of a National Human Rights Act. The strong support for a National Human Rights Act also highlights that most people agree human rights are a fundamental entitlement for everyone and would protect the most vulnerable in society. Committing to a Human Rights Act would provide a mechanism to address ongoing systemic racism, tackle climate justice and protect the most vulnerable as we recover from the social and economic costs of the COVID pandemic.

At their core, human rights are about respecting the dignity of everyone. Someone's quality of life should not be determined by factors beyond their control – be it race, nationality, gender, socio-economic background, sexuality or age. Yet what this research also illustrates, and as we have seen since the onslaught of the COVID 19 pandemic, the community in Australia is in part confused about human rights and how we balance these rights to get the best outcomes for everyone. The need for a nationwide systemic approach to human rights education in Australia is clear.

Currently in Australia, human rights protections are found in a range of legislation which are complex, decentralised and sometimes only implied. We should not have numerous individual laws on religious freedoms or sexual discrimination to the exclusion of others for example, as all human rights are intrinsically linked. Implementing a Human Rights Act enshrined in law would make a real and meaningful improvement to human rights protection and have the additional benefit of untangling the current spaghetti bowl of legislation. There are major ongoing human rights issues in Australia, including structural racism and discrimination which our current laws do not, or do not go far enough, to prevent. These issues are complex; many are embedded in Australia's history, and they often affect the marginalised individuals and communities including, Indigenous people, women, the disabled, the LGBTQIA+ community and the most vulnerable.

This landmark report explores in depth seven key areas of human rights concern in 2021 and demonstrates how a Human Rights Act would help address these issues and ensure each right is balanced with others to create a fairer Australia.

RACISM

According to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), “racial discrimination” means:

“... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”¹

The Amnesty International Australia Human Rights Barometer found that while nearly two thirds of respondents (64%) agreed that Australia is a successful multicultural society, 47% believed that Australia has a racism problem and that we should speak out more about it - almost twice as many as those who think we shouldn't (27%). The results from the survey reflected a strong interest in eliminating all forms of racial discrimination. For instance, a significant majority of the respondents viewed the following rights as not only important to them but others too:

- Freedom from discrimination (84%)
- Right to freedom of speech (83%)
- Right to equal treatment before the law (83%)
- Freedom of religion and culture (78%)
- Right to seek asylum from persecution (67%)

More than half the respondents further believed that Indigenous people and refugees need the most protection (55% and 51%). This was closely followed by ethnic minorities and immigrants at 45% and 44%.

With 63% of the respondents believing that some ethnic groups and cultures don't want to fit into the “Australian” way of life, it has become apparent that issues around racism, multiculturalism and discrimination in Australia should be more openly discussed.

Having signed and ratified both the ICERD and International Covenant on Economic, Social and Cultural Rights (ICESCR), Australia should be looking towards ensuring all humans are equal before the law and are entitled to equal protection in law against any discrimination and against any incitement to discrimination. We must further work towards eliminating racial discrimination in all its forms and manifestations in a speedy manner.

In line with the goals of the ICERD and ICESCR, Amnesty International Australia wants to create an Australian society that upholds everyone's fundamental human rights and ensures every person has the same opportunities irrespective of race. Although great progress has been made and Australia is viewed as a successful multicultural society, there is still much to be done. Racist incidents continue to occur, whether it be the Government's treatment of refugees, Indigenous racism, the disproportionate police profiling and criminalisation of Sudanese and Muslim communities or the acts of abuse towards Asian communities.

1 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

To tackle these issues, AIA raises awareness and amplifies the voices of those with lived experience of racism or discrimination using all available avenues from school assemblies, community get togethers to writing letters to political figures. In February 2021, AIA published a comprehensive guide on what it means to be a genuine anti-racism ally and how we can all advocate for the needs of marginalised people.² AIA wants to create safe spaces for people to discuss issues of racism openly and raise awareness of the problem by challenging the injustice of racism and demanding change.

As part of AIA's anti-racism campaign, the organisation is actively supporting the introduction of a National Anti-Racism Strategy. Such a framework would be an important stepping stone towards eliminating racism and promoting social cohesion. To date more than 10,000 people have taken action to support such a framework which would move us closer to fulfilling our obligations under the ICERD and ICESCR.

With multiculturalism being such a strong Australian identifier and more than half the respondents of the survey believing rights, such as the right to equal treatment before the law and freedom of religion and culture, are already protected by Australian law, it has become even more important to encourage a discussion around what is in fact protected. It has further become necessary to discuss the benefits of implementing a Human Rights Act in Australia to legally preserve the above-mentioned rights that Australians consider vital to the healthy functioning of our society.

CASE STUDY

I grew up on the receiving end of racist heckles. Random people would shout various east Asian greetings to me (never the right one), sometimes as a joke, sometimes in a threatening way, other times it seemed like they genuinely were saying hello - albeit going about it in the worst way. One time, I went to work after getting heckled. A colleague, a really good friend of mine, didn't believe me. He was adamant that people didn't do this anymore - that it was a relic of the past. He kept saying, "No way, that just doesn't happen. Who would do that?" I knew where his outrage was coming from because of course, who would do that? It can be really scary to share these stories. You don't know if the person will laugh at you, or think



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you're overreacting. It takes a level of trust to be that vulnerable - and when the person you tell (a really good friend at that) is dismissive, that really hurts. There are so many harmful stereotypes and jokes that we grow up with, that we absorb as normal. Otherwise, we can be too quick to dismiss racism, or minimise the harm. It's really hard to unlearn these - in fact it's a constant process and sometimes there won't be a clear cut answer on what is OK, and what isn't. If racism doesn't happen to you, particularly if you're from the dominant cultural group, that doesn't mean it's not happening or that it's not a problem. Maybe you just don't see it. Listening to people's experience, like mine, helps us acknowledge, understand and begin to address racism.

Frances Lee, Amnesty International Australia

2 <https://www.amnesty.org.au/wp-content/uploads/2020/02/205-how-to-be-a-genuine-ally.pdf>

FREEDOM OF SPEECH AND ASSOCIATION

Having signed and ratified the International Covenant on Civil and Political Rights (ICCPR), Australia has an obligation to uphold Article 19. This article acknowledges the following:³

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- The exercise of the rights ... may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order, or of public health or morals.:

The AIA Human Rights Barometer found an overwhelming majority of respondents supported the right to vote (86%), freedom of speech (83%) and the right to protest (68%).

Amnesty provides a platform on which human rights abuses and awareness can be openly communicated. As such, protecting freedom of speech and association provides a foundation upon which all human rights can be advocated. Campaigns such as Write for Rights and Protect Protest have worked hard to raise awareness about the importance of such rights.

The Write for Rights campaign encourages and promotes freedom of speech and association by bringing millions of compassionate people around the world together to fight injustice by writing letters, signing petitions and demanding governments right wrongs. By encouraging these actions be taken, pressure is applied on authorities around the world to bring those responsible for human rights abuses to justice.

Another important campaign, Right to Protest, demands the protection of our right to protest. Amnesty views peaceful protest as a powerful tool in creating change to protect the rights and future of their people. For instance, mining companies and powerful lobby groups are pushing governments to further restrict our right to peaceful assembly in response to recent climate protests – threatening not just our right to protest, but also our ability to combat the climate crisis.

With the spread of COVID-19, the right to peacefully protest came under further stress. AIA's campaigns encourage any COVID-19 restrictions concerning public assemblies; and ultimately a right to peaceful assembly and expression, to be directly proportionate to the threat posed by the public health emergency at the time and necessary to protect the people's right to health. It is greatly concerning that in such unprecedented times there is no federal Human Rights Act in Australia, which can be relied upon by the people and used to challenge anti-protests laws in court. Amnesty notes that 53% of respondents already believed freedom of speech is protected by

3 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Australian law. While the High Court has ruled the existence of an implied freedom of political communication, it is not explicitly protected under the Australian Constitution. The current common law precedents operate as an avenue available to free oneself from government restraint, rather than a right that is directly conferred on the individual.

Amnesty believes that a federal Human Rights Act can provide more definitive guidance and protection, particularly in such unforeseen circumstances like a global pandemic; ensuring basic rights in a democratic society are never disregarded and Australia's obligations under the ICCPR are adequately upheld.

CASE STUDY

The arrest of Hugo Clément,⁴ a journalist covering a protest against the controversial Adani coal mine in Queensland, is an important example of the failures of the Australian governments to respect rights and freedoms. Despite being protected by international human rights laws, Hugo Clément and members of his documentary crew were arrested for trespassing in July 2019 while documenting climate change activists and their protest against the coal mine. The journalist and members of his crew were provided no explanation for their arrest, and the charges were later dropped. Clément's bail conditions were harsh and directly impinged upon his freedom of expression; these conditions prohibited the journalist from reporting near the mine. Such restrictions were a direct violation of the freedom of expression, and of the press



Without a Human Rights Act, these integral human rights principles can be, and are routinely neglected. This arrest was not an isolated incident, Amnesty International⁵ notes that many climate protesters in Australia have been subject to “the use of unnecessary and disproportionate force”. Climate activists, including an activist who claimed to be acting only as a media liaison, were also held on remand for over two weeks after exercising their right to peaceful assembly.⁶ Holding peaceful activists on remand is a draconian measure which counters not only these innate rights to assembly and expression but also compromises the democratic freedoms of the Australian public. In the Human Rights Barometer 83% of Australians stated that the right to speech was important to themselves or others. Similarly, 68% of Australians reported the right to protest of importance. Yet, despite the clear importance of this issue to the Australian public these rights continue to be infringed upon. The arrest of Clément, his crew and the activists emphasises the urgent need for a Human Rights Act to protect these rights under law across Australia.

4 <https://www.abc.net.au/news/2019-07-26/france2-hugo-clement-unfair-press-arrest-adani-protest/11350520>

5 <https://www.amnesty.org/download/Documents/ASA1242232021ENGLISH.pdf>

6 <https://www.theguardian.com/environment/2019/dec/04/extinction-rebellion-protesters-to-be-held-in-jail-for-at-least-two-weeks-after-being-denied-bail>

REFUGEES

Australia's violation of asylum seeker human rights remains a significant area of concern for Amnesty International Australia and indeed the wider Australian public. The Government's position that it will never allow anyone who arrives by boat seeking safety to settle in Australia has created an inhumane policy, with thousands trapped in limbo in Australia on temporary visas, or in arbitrary, indefinite detention, or held offshore, on Papua New Guinea and Nauru. With many people still trapped there after eight years.

With no certainty regarding their resettlement, living in limbo in sometimes very dangerous conditions, has taken its toll both physically and mentally. Without access to adequate healthcare or other support, self-harm and suicide has been a regular tragic consequence.

This system of abuse has costs the Australian taxpayer almost \$9 billion over the past eight years.⁷

A significant majority of Australians, 62%, do not support this level of expenditure and more than half (52%) said they support resettling asylum seekers in Australia if they were found to be refugees. Another 26% of respondents in the Human Rights Barometer said they'd like to see refugees settled in another country such as New Zealand, Canada or the USA.

Amnesty International Australia under the Game Over Campaign⁸ has urged the Government to accept an offer from the New Zealand Government to resettle up to 150 detained⁹ refugees each year. While the offer has been on the table since 2013, successive Australian governments have so far refused to accept.

Amnesty International Australia's My New Neighbour campaign¹⁰ is also asking the Government for improvements to the existing community support program to make it easier for Australians to sponsor refugees to come and settle permanently here with support from local communities. The majority of Australians (55%) support letting communities that have the resources, sponsor refugees and only 18% were against the idea. It is crucial any sponsorship program be in addition to Australia's current humanitarian program.

Australia's treatment of asylum seekers violates numerous international laws and breaches a number of treaties and conventions to which the country is a signatory.¹¹ Refugees who arrived by boat are being denied their fundamental right to seek asylum, as well as other integral rights such as freedom from arbitrary detention and the right to health and wellbeing.¹² The United Nations High Commissioner for Refugees condemned Australia's practices for its treatment of people arriving by boat as "punitive and cruel".¹³ Many of these inhumane practices have been codified into Australian law, Australia now relying on offshore detention as a policy of first response rather than last resort.¹⁴

7 [Budget immigration costs: Australia will spend almost \\$3.4m for each person in offshore detention](#)

8 [Activist Resources: GameOver](#)

9 [Everything you need to know about human rights in Australia](#)

10 <https://www.amnesty.org.au/cspresources-2-2/>

11 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/asylum-seekers-and-refugees>

12 <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

13 [UN condemns Australia's 'discriminatory' restrictions preventing refugees reuniting with family](#)

14 [Indefinite detention of refugees is unlawful under international law, but Australia has quietly made it legal](#)

This disregard for refugee rights has been enabled by the lack of a human rights framework in Australian law. A Human Rights Act¹⁵ would ensure all individuals under Australia’s care, regardless of background or identity, have access to basic rights, equal freedoms and dignity.

CASE STUDY

Imran Mohammad’s seven-year long journey¹⁶ to gain refuge illustrates the shocking human rights abuses by the Australian government in its offshore detention of asylum seekers. After being threatened with death, Imran fled Myanmar alone at only 16 years of age. As a Rohingya person, Imran faced severe persecution in his homeland. Denied citizenship or documentation in his own country, Imhran had been stateless his whole life. In his journey to Australia, Imran first faced cruelty in Malaysia, and was imprisoned in Indonesia before being detained on Manus Island by the Australian government for over four years.

Despite being recognised by the UNHCR and Papua New Guinea as a refugee, the Australian government imprisoned Imran on Manus Island, denying him his fundamental rights as a refugee and subjecting him to cruelty and abuse. Denied proper education, Imran taught himself English with a smuggled in pen and paper – case workers were unable to provide detainees with such resources and belongings were routinely confiscated by guards. Refugees suffered without adequate medical care and experienced appalling mistreatment, infringing upon their right to an adequate standard of living.¹⁷ Worsening the already poor health and wellbeing of detainees. Imran described being beaten by guards and living in a state of constant fear. This abuse, a blatant contradiction of the right to be free from torture or degrading treatment.

The Australian government flagrantly breaches the human rights of refugees in offshore processing, in clear violation of international law. A national Human Rights Act would make the Government accountable and hundreds of stories of abuse like Imran’s would become a thing of the past in Australia.

In an essay¹⁸ detailing his experience in detention Imran said: “Compassion, love and equality have died, along with human rights. I search my mind for the crimes that I committed; I come up with nothing.”



In 2018, Imran was freed from Manus Island and resettled to the United States.

15 [Human Rights Act key to addressing poor performance on rights](#)

16 [Myanmar to Manus to Chicago: Imran tells his story](#)

17 [Universal Declaration of Human Rights | United Nations](#)

18 [‘I refuse to surrender my hope on Manus’: Imran Mohammad](#)

COVID AND HUMAN RIGHTS

The COVID-19 pandemic presented unique and unprecedented challenges to the provision of human rights.¹⁹ Amnesty International Australia from the outset of the pandemic stressed that human rights should be central to the enactment of emergency public health orders. Similarly, AIA emphasised the importance of protecting and prioritising vulnerable communities²⁰ most in need of support. The presence of a Human Rights Act could have provided substantial protections for all Australians during these unprecedented times; acting as a framework to ensure that the provision of public health orders did not excessively impinge upon inherent human rights of all Australians.

Broadly, Australians largely support lockdown laws despite their impact upon rights, 78% of respondents agreeing the “restrictions and lockdowns impacts upon rights were worth it to slow the spread of the virus”. One third of Australians (32%) saw the various lockdowns and restrictions as limiting their rights, yet of this group, 65% saw these restrictions as ultimately justifiable in stopping the spread of COVID-19.

These restrictions, while mostly accepted by Australians, have posed issues for the protection of human rights. Amnesty International Australia has expressed significant concern for the ways in which public health orders have in their overzealous application and serious lack of transparency²¹ breached human rights.

The sudden ‘hard’ lockdown of residents of public housing buildings in Melbourne²² saw thousands of residents unable to leave their homes for any reason. Many of these residents had previously fled violence or instability, yet were given no indication for when these restrictions would be lifted. This act later declared a direct violation of Victorian human rights law.²³

AIA also reported on instances of human rights abuses of children locked in solitary confinement²⁴ or being held in QLD watch houses throughout the COVID-19 pandemic. These actions harm already vulnerable children and directly breach international law. Notably, 85% of Australians stated that the rights of children are important to them personally, and/or recognised them as of importance for others.

The flawed vaccine rollout has also been highlighted as an area of human rights concern. AIA has stressed the importance of ensuring that the most vulnerable communities receive and are prioritised in this vaccine rollout. The infection of high-risk refugees in offshore detention²⁵ has created a dire situation, AIA has called upon the Australian government to vaccinate all refugees in offshore detention. Around one fifth of those in support of a HRA expressed the protection of most vulnerable groups such as Indigenous communities and refugees, as the reason underpinning their support. This was the most common reason given.

19 [Coronavirus: the effect on human rights](#)

20 [Coronavirus: the effect on human rights](#)

21 [Amnesty International Report 2020/21](#)

22 [ibid](#)

23 [News Tower lockdown breached human rights, Ombudsman finds](#)

24 [Amnesty extremely concerned over potential human rights abuses with children being held in solitary confinement due to COVID](#)

25 [Australian Government must immediately vaccinate all 134 refugees still trapped on Papua New Guinea against Covid 19](#)

Amnesty International Australia also expressed concern over police overreach in the application of public health orders. Reports of discrimination and targeting of vulnerable groups²⁶ were also raised by AIA. Indigenous, homeless and migrant Australians faced an exacerbated threat of targeted policing amidst the pandemic as the discretionary powers of police grew significantly.

Moreover, there were numerous reports of police using intimidation²⁷ and aggression to enforce restrictions. Similarly, the inconsistent regulations of state and territory governments saw policing and repression of protests escalate intensely²⁸, despite lifting restrictions entirely on sporting events. This overreach while claiming to protect communities, effectively curtailed the rights to freedom of peaceful assembly and expression.

A Human Rights Act would ensure that these inherent rights are balanced and considered with the protection of public health. A Human Rights Act could stipulate greater scrutiny and transparency over policing powers to prevent overreach and abuse in the future.

CASE STUDY

Marginalised communities faced the brunt of harsh policing during the COVID-19 pandemic. Indigenous communities have experienced an exacerbated threat of incarceration and targeted policing during the pandemic. Lacking transparency and accountability of policing powers amidst the pandemic did not effectively balance public health protections with the inherent human rights of vulnerable communities. An Amnesty International report²⁹ detailed incidents of people in Aboriginal communities living in overcrowded housing being fined or harassed for “breaching” COVID-19 restrictions on the number of individuals allowed in one dwelling. This issue was compounded by the lack of transparency regarding police enforcement guidelines; police holding the discretionary power to discern what warrants a fine.

In NSW, it was found that a disproportionate number of fines were imposed in areas with higher Indigenous populations³⁰, meaning that indigenous people were more likely to be sanctioned by police. Higher socio-economic areas such as Bondi³¹, despite experiencing significantly greater outbreaks received only 16 fines. Yet, areas with greater populations of Indigenous people, despite not being classified as COVID-19 hotspots, recorded substantial greater levels of enforcement and penalties, inconsistent with the purported purpose of these sanctions. AIA highlighted that these communities are already disproportionately targeted by police, and remain at a significantly higher risk of incarceration. Unduly sanctioning and fining Indigenous communities heightens³² the risk of enduring contact with the criminal justice system. Without a Human Rights Act the provision of expanded policing powers can impinge upon the innate human rights of vulnerable communities. AIA has repeatedly called on³³ the Australian government to enact greater transparency and accountability for the policing of COVID-19 restrictions, including the publication of data from the stop and question incidents and formal investigations of discriminatory targeted policing.

26 [5 concerns with Australia’s policing during COVID-19](#)

27 [ibid](#)

28 [NSW police using COVID-19 pandemic to restrict the right to protest](#)

29 [Amnesty International Report 2020/21](#)

30 [News Compliance fines under the microscope](#)

31 [Coronavirus NSW: suburbs and towns with the most COVID-19 pandemic fines](#)

32 [Measures designed to protect push Indigenous people further to the margins](#)

33 [5 concerns with Australia’s policing during COVID-19](#)

CLIMATE CHANGE

Climate change has had a devastating impact on human rights across the world. Amnesty International Australia stresses that the climate crisis is a human rights crisis.³⁴ This issue endangers a broad range of basic human rights and freedoms. It may worsen inequality and discrimination and even threatens the survival of present and future generations. Without a stable and healthy environment the achievement of most human rights becomes practically impossible. The onset of extreme natural disasters coupled with continuous rising temperatures and sea level have far-reaching implications for vulnerable individuals and communities across the globe. In the wake of the shocking bushfires of 2019-2020, Australians are already experiencing the unrelenting impacts of climate change. Despite largely neglecting this duty, the Australian government is bound to protect its citizens under international law. Enshrining Australians' human rights into law would require the government to act in the fight against climate change and to recognise and protect its most vulnerable citizens' inherent rights.

Climate change has the potential for a devastating impact on all aspects of human rights. Specifically on the right to life, climate change has caused an estimated 400,000 premature deaths per year.³⁵ The right to adequate food³⁶ is endangered when changing climate conditions detrimentally impact both the quality and quantity of agricultural produce, especially in developing countries. An estimated 20% growth in hunger and malnutrition is projected by 2050. Similarly, if global temperatures rise by 2°C 1 billion people will experience a drastic reduction in water resources, compromising their rights to water and sanitation³⁷. Under the right to health, the World Health Organisation has identified that 88% of diseases caused by climate change will affect children under five years of age. Significantly, a large 85% of Australians identified the rights of children as important to them personally, or as of importance for others. This reflects an onus on Australians to safeguard the fundamental rights of future generations, a key impetus in the fight against climate change.

In the Human Rights Barometer research the right to work was recognised as of importance to 73% of Australians. Yet, around 40% of world employment is reliant on industries which are susceptible to environmental degradation and climate change. Concerning the right to seek asylum this issue is also of great concern; an estimated 20.88 million people were internally displaced annually by weather-related events in the decade up to 2018. More broadly, a majority of young Australians³⁸ told Amnesty International that climate change is the most important issue facing the global community.

Amnesty International Australia routinely calls³⁹ on the Australian government to recognise these fundamental rights and take immediate action to curb the impacts of climate change. This includes, reducing greenhouse gas emissions to zero by at least 2050, to halt the use of fossil fuels and acting fast to prevent global temperatures increasing beyond 1.5 degrees. AIA also emphasises the importance of placing human rights at the forefront of their fight against climate change, ensuring no one is disadvantaged or harmed in the transition to green energy. However, without a HRA, Australian government can continue to infringe upon these inherent rights, despite an evident support amongst Australians for these integral human rights principles; the introduction of a HRA is supported by over three-quarters of Australians (76%).

34 <https://www.amnesty.org/en/documents/pol30/3476/2021/en/>

35 *ibid*

36 *ibid*

37 *ibid*

38 [Climate change the leading human rights concern for young Australians](#)

39 <https://www.amnesty.org.au/campaigns/climate-action/>



CASE STUDY

Across Australia and the globe, children and young people have asserted their rights to a healthy future through school strikes against climate inaction. The Schools Strike 4 Climate (SS4C) made known young people’s concerns for the “suffering, loss and displacement”⁴⁰ many will likely have to face in the future.

Aden Kenworthy, an organiser of these strikes in both Perth and Australia-wide, voices these human rights concerns with regards to their participation in these protests.

“Everyone has a right to live in a world where we don’t have to worry about our future, and what that holds”.



Aden emphasised that many young people get involved in these strikes out of a strong concern for future generations and their access to human rights.

The SS4C stresses the need for urgent action to combat the rapid onset of climate change and reflects young people’s growing and immense concern over the human rights implications of this issue. In Amnesty International research⁴¹ conducted across 23 countries, the majority of young people have identified climate change as their most foremost human rights concern.

Aden described these strikes as “a revolutionary movement” in which young people could demand action on climate change. Aden said the SS4C is “A great way for young people, the people that climate change is really going to affect, to speak up and mobilise in their millions across the world”. Yet, without a Human Rights Act, many climate justice activists are facing repression in their advocacy for climate action. Notably, Aden stressed the importance of human rights protections for the right to protest in Australia in the fight for climate justice. Beyond the SS4C protests, a HRA could ensure that these young people are guaranteed the right to a safe and equitable future, within a healthy and livable environment. A HRA could compel action amongst politicians against the imminent harm and damage inflicted by climate change.

40 <https://www.amnesty.org.au/how-to-ease-human-cost-climate-change/>

41 [Climate change the leading human rights concern for young Australians](#)

INDIGENOUS RIGHTS

Amnesty International Australia has been a strong proponent of developing a more comprehensive human rights framework on a national, state and local level to protect the rights of Aboriginal and Torres Strait Islander people. The rights of Indigenous peoples remains a significant blight on Australia's human rights record, and was repeatedly highlighted by UN member states and other civil society organisations at the UN Human Rights Council's Universal Periodic Review of Australia in January this year.⁴²

It has been 12 years since the Australian Government published the first Closing the Gap Annual Report, which was designed to eliminate the significant disparity between Indigenous and non-Indigenous people in Australia in life expectancy, health, education and employment indicators.

While some gains have been made in areas of Indigenous health and education, successive governments have failed to effectively ameliorate past discrimination, or address existing inequalities, disadvantage and discrimination suffered by Aboriginal and Torres Strait Islander peoples.

In the most recent Closing the Gap Report⁴³ Prime Minister Scott Morrison acknowledged that only two of the seven targets – early childhood education and Year 12 attainment – are on track to be met. Racism towards Indigenous peoples remains firmly embedded across Australia, with many facing discrimination when seeking access to adequate housing, education, health care and in the criminal justice system.

Since the recommendations of the Royal Commission into Aboriginal Deaths in Custody in 1991, more than 470 Indigenous people have died in police custody without conviction or anyone being held to account by an independent authority.⁴⁴

The criminal detention of children is another issue that disproportionately affects Indigenous communities. Between 2018 and 2019, 8,353 children aged 10, 11, 12 and 13 years went through the criminal justice system, and 573 children under the age of 14 were in detention.⁴⁵ Almost two thirds of those children in detention are of Aboriginal or Torres Strait Islander descent.⁴⁶

Despite this chasm in the experiences of Indigenous peoples compared with non-Indigenous Australians, the Amnesty International Australia Human Rights Barometer found that just 36% of those surveyed believed Indigenous Australians had fewer opportunities, 23% thought they had more and 30% the same. However, 55% of those surveyed also agreed that Indigenous Australians were among the more vulnerable in society that needed greater protection of their rights.

Such findings reinforce the importance of the movement to Raise the Age, which advocates

42 United Nations Human Rights Council, Summary of Stakeholders' submissions on Australia, Working Group on the Universal Periodic Review, Thirty-seventh session, January 18-29, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/280/42/PDF/G2028042.pdf?OpenElement>.

43 Australian Government, Closing the Gap, Report, February 2020, at <https://ctgreport.niaa.gov.au/content/closing-gap-2020>

44 Amnesty International, Amnesty International Report 2020/21: The State of the World's Human Rights, 2021, Amnesty International Report 2020/21, p. 72.

45 Amnesty International Australia, Raise the Age: Kids Belong in Community, May, 2020, <https://www.amnesty.org.au/wp-content/uploads/2020/05/Raise-the-Age-Kids-Belong-in-Community-2020.pdf>, p. 87.

46 Amnesty International, Amnesty International Report 2020/21: The State of the World's Human Rights, 2021, <https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>, p. 72.

awareness of systemic injustices that continue to be perpetrated against Indigenous people in Australia. Raise the Age is a campaign spearheaded by Amnesty International Australia and several Indigenous-led organisations, demanding legislative changes nationwide to raise the age of criminal responsibility from 10 to 14 years old.

This change would bring Australia up to speed with international human rights standards, and help redress the harmful impacts of disproportionate incarceration of Indigenous communities. The Community is Everything campaign stresses the need for self-determination and Indigenous community-led initiatives to address the shortcomings of the youth justice system.

More than 70% of Australians believe freedom from discrimination is one of the most important human rights that must be protected along with equal treatment before the law. Raising the age of criminal responsibility to 14 and ensuring all deaths in custody are properly investigated in a transparent, accountable way, will help address these issues as will the introduction of a national Human Rights Act (HRA) which will ensure there is a comprehensive anti-discrimination legislative framework in place across Australia.

CASE STUDY

Tyler is an Aboriginal person from a poor socioeconomic background, diagnosed with fetal alcohol spectrum disorder (FASD). When Tyler stole a kebab at 11 years old, after having not eaten for two days, he was arrested, referred to a youth justice conference, and placed on NSW's Suspect Target Management Plan (STMP). Arrested again at 13 years old for being a lookout for shoplifting, Tyler was granted bail on conditions which barred him from entering any shop in his small town. At this time, police sought to use Tyler's arrest from when he was 11 as evidence to prove criminal intent.⁴⁷

Tyler's story is one that extends disproportionately to Indigenous youth in Australia, who are over-represented in custody and in the criminal justice system in the 10 to 14 year old age group. Similar to Tyler's experience, most offences are minor and tend to reflect over policing rather than malicious intent.⁴⁸ Amnesty International's national survey results confirm Indigenous people as a group most in need of human rights protection, and freedom from discrimination as a particularly valued right. In light of this, the disproportionate targeting of Indigenous youth and corresponding violations of their rights to freedom from discrimination cannot stand.

Community-led justice initiatives, captured in justice reinvestment programs, are a valuable alternative to existing strategies of youth justice for Aboriginal and Torres Strait Islander communities. The 2013 Maranguka Justice Reinvestment Project in Bourke, NSW, provides a promising precedent for the success of redirecting funds from prisons and detention centres in favour of community-led programs targeting the underlying causes of imprisonment in vulnerable communities.⁴⁹

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- 47 National Legal Aid, Council of Attorneys-General - Age of Criminal Responsibility Working Group review, February 28, 2020, https://www.legalaid.nsw.gov.au/data/assets/pdf_file/0009/39267/NLA-sub-CAG-age-of-criminal-responsibility-28-02-20.pdf, p. 16.
- 48 National Legal Aid, Council of Attorneys-General - Age of Criminal Responsibility Working Group review, February 28, 2020, https://www.legalaid.nsw.gov.au/data/assets/pdf_file/0009/39267/NLA-sub-CAG-age-of-criminal-responsibility-28-02-20.pdf, p. 15.
- 49 Amnesty International Australia, Raise the Age: Kids Belong in Community, May, 2020, <https://www.amnesty.org.au/raise-the-age/>

GENDER-BASED ABUSE

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One in three Australian women have experienced physical violence from the age of 15, and almost one in five has experienced sexual violence.⁵⁰ With the Australian government's publication of the National Plan to Reduce Violence against Women and their Children in 2010, gender-based abuse has been formally established as a focal point of national human rights concern in Australia.

Violence in Australia is an essentially gendered issue, with women being far more likely than men to experience sexual or otherwise physical violence from an intimate partner,⁵¹ and around 95% of all victims of violence being attacked by a male perpetrator.⁵² Trans women and gender diverse people experience sexual violence at twice the rate of the general population.⁵³ As a signatory to the Convention on the Elimination of All Forms of Discrimination, Australia committed to take action so women can enjoy their fundamental rights and freedoms.

AUSTRALIANS' VIEWS ON GENDER-BASED ABUSE

Women appear as the fifth most nominated group when respondents of the Human Rights Barometer were asked which Australians need the most protection. Identified by 52% of Australians, women's rights constitute a marked area of concern for the country's general population. Protecting women's rights must include measures to prevent gender-based violence and abuse, as women represent the primary victims and survivors of such abuse, which threatens their right to live free from discrimination, as well as their rights to life, liberty and security of person.

Many of the rights listed as most important to Australians in this study are inextricably linked to this issue, including the right to privacy, freedom from discrimination, right to equal treatment before the law, reproductive, and right not to be tortured. As the pre-eminent right of concern to Australians, the right to privacy intersects with gender-based violence in several ways. One example of this was indicated by the UN Special Rapporteur on violence against women, who highlighted how technologically-facilitated violence targets women and girls, and violates their right to privacy, giving perpetrators new ways to harass, monitor, and abuse.⁵⁴

PROTECTING AUSTRALIANS FROM GENDER-BASED ABUSE

Amnesty International's Human Rights Barometer suggests one valuable strategy for addressing gender-based abuse in Australia going forward by foregrounding the overwhelming public support for an Australian Human Rights Act (HRA). Around one fifth (22%) of supporters felt that an Australian HRA would provide important protection for vulnerable people. This data suggests that the introduction of an HRA would be a valuable and democratically supported strategy for providing a more robust legal framework to protect the rights of those who are at risk of gender-based abuse

[org.au/wp-content/uploads/2020/05/Raise-the-Age-Kids-Belong-in-Community-2020.pdf](https://www.amnesty.org.au/wp-content/uploads/2020/05/Raise-the-Age-Kids-Belong-in-Community-2020.pdf)., p. 87.

50 Council of Australian Governments, National Plan to Reduce Violence against Women and their Children, 2019, https://www.dss.gov.au/sites/default/files/documents/08_2014/national_plan1.pdf

51 Peta Cox 2016, Violence against women: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey, 2012, Issue 01.01 (Sydney: ANROWS, 2016): 30.

52 Kristin Diemer, ABS Personal Safety Survey: additional analysis on relationship and sex of perpetrator (Melbourne: University of Melbourne, 2013): 4-5.

53 [2018 Australian Trans and Gender Diverse Sexual Health Survey: Report of Findings](#)

54 United Nations Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, Session 38, Agenda Item 3, 18 June - 6 July 2018, <https://undocs.org/A/HRC/38/47>.



and violence. Australian governments must also commit to funding and resourcing service providers and family violence and women's legal services, including specialist services for Aboriginal and Torres Strait Islander women, multicultural and migrant women, trans women and gender diverse people.

CASE STUDY

Gender-based abuse is an often hidden, yet extremely pervasive issue that compromises the human rights of all individuals affected. An anonymous Australian woman, published her shocking experience with domestic violence⁵⁵ and coercive control on the first anniversary of the murder of Hannah Clarke; a death which shocked the Australian public and highlighted the need for action on the issue of gender-based abuse. This story is one of many and reflects the ongoing human rights abuses many Australians suffer.

The woman speaks about the isolation she has felt throughout her abuse, stating coercive control is an “invisible crime” that is routinely dismissed and neglected. Her abuse ranged from sexual and physical violence including being raped, strangled and assaulted while heavily pregnant, to more psychological forms of exploitation and manipulation. Her partner blamed her for “driving him into jealous rages and then into depression” and harassed her for months on end after she chose to leave the relationship. The woman stresses that she did everything she could to protect her and her children; taking out protection orders and going through the Family Court to remove herself and her children from the abusive situation. However, like many individuals facing domestic violence her claims were often dismissed or inadequately addressed, meaning the woman and her children were subject to prolonged violence and abuse.

Australia is failing its commitment to ensure women can enjoy their fundamental rights and freedoms. Without a Human Rights Act, there is no national instrument in law which safeguards such rights. Discrimination on the ground of domestic and family violence is not a protected attribute in Australia's anti-discrimination law. A Human Rights Act, that explicitly protects people's right to live free from discrimination on the ground of domestic and family violence, could ensure that women who face violence, threats and abuse are protected by government authorities to act.

55 [Hannah Clarke was murdered a year ago. Criminalising coercive control is only one part of the response that's needed to tackle domestic abuse](#)