



Submission to the Australian Labor Party National Platform

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Submitted by
Amnesty International Australia

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About Amnesty International

Amnesty International is a movement of 10 million people which mobilises the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account.

We are impartial and independent of any government, political persuasion or religious belief and do not receive funding from governments or political parties.

Amnesty International is a proud people-powered movement founded on the work of volunteers and activists all around the country. More than 500,000 Amnesty International supporters live in Australia.

1 Summary

1.1 Amnesty International Australia (Amnesty) welcomes the opportunity to contribute to the Australian Labor Party's National Platform 2023: The Future We Build Together (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 everywhere 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's submission. Also important are recommendations related to First Nations Peoples in particular children, refugee rights, climate justice, and the right to freedom of expression as exemplified by the ongoing detention of Julian Assange. The integration of human rights into foreign policy should also be an important part of the Platform.

2 Recommendations

Human Rights Act

2.1 Enact a Human Rights Act. Amnesty recommends that the Act be based on the Australian Human Rights Commission's (AHRC) proposed model, which builds on the recommendations contained in the 2009 report by NHRCC. Amnesty supports the "dialogue model" proposed by the AHRC. This model preserves Parliamentary supremacy, focusing on a formal "dialogue" between authorities who share responsibility for respecting and protecting human rights. A dialogue model requires authorities, including Parliament, to consider human rights at the early stages of the development of law and policy.

2.2 Modernise federal discrimination laws to ensure their effectiveness and shift the focus from a reactive model that responds to discriminatory treatment to a proactive model that seeks to prevent discriminatory treatment in the first place.

2.3 Ensure that the Australian Human Rights Commission is appropriately and sustainably resourced to perform its statutory functions.

First Nations Justice

2.4 Set a consistent, national approach to raising the minimum age of criminal responsibility to at least 14 years old in all jurisdictions, without carve-outs for children under this age.

2.5 Afford autonomy and the right to govern First Nations communities to support vulnerable children through evidence-based Justice Reinvestment initiatives that are led by the communities.

2.6 Continue funding new and existing justice investment initiatives across the country and the national body to coordinate these initiatives. It is crucial that an Australian model of Justice Reinvestment centres on Aboriginal and Torres Strait Islander leadership and expertise at every level.

2.7 Develop a national plan for the implementation of the UNDRIP based on consultation with First Nations representatives. And this plan must adhere to intrinsically-linked principles of self-determination and free, prior and informed consent.

Refugee Rights

Offshore Detention

2.8 End the policy of offshore processing and detention and permanently closing the 'Regional Processing Centre' on Nauru. Until that time, ensuring that Nauru is considered a primary place of detention under Australia's OPCAT obligations.

2.9 Transfer all refugees and people seeking asylum in Papua New Guinea who wish to do so to Australia to receive medical treatment while they await resettlement in a third country.

Alternative Places of Detention

2.10 Ensure detention in APODs should only occur in exceptional circumstances and for the shortest possible time. Unless required for health and safety, the maximum time a person should be held in hotel-like accommodation is 7 days.

Real Alternatives to Detention

2.11 Ensure bridging visas allow for refugees and people seeking asylum to remain in the community with rights and entitlements and are extended for an appropriate amount of time.

The Impacts of Indefinite and Mandatory Detention

2.12 Ensure that no person is detained in violation of their human rights and bring an end to the policy of mandatory and indefinite detention.

Temporary Protection Visas

2.13 Fully abolish Temporary Protection Visas and Safe Haven Enterprise Visas

2.14 Establish a process that will allow people seeking asylum, rejected under the fast-track process, to at a minimum be able to reapply through a system that meets basic procedural standards and/or for those from countries where circumstances have clearly changed/deteriorated, look to expedite any requests that have been made to the Minister for these individuals.

Australia's Humanitarian Program

2.14 Increase the offshore Humanitarian Program to 30,000 places per annum as a matter of urgency, with the vast majority being visa sub-class 200 (UNHCR referred) refugees.

2.15 De-link the onshore component of the Humanitarian Program from the offshore component.

2.16 Further reform Australia's Community Sponsorship Program so that it is in addition to Australia's regular Humanitarian Program.

2.17 Ensure the number of places offered under the CSP and CRISP should be increased to a combined 5,000 places per annum, increasing to 10,000 places per annum within 5 years.

Climate Justice

2.18 Phase out fossil fuels in a rapid and equitable way rather than relying on carbon markets and carbon removal mechanisms that would only delay meaningful climate action whilst potentially also negatively impacting on human rights.

2.19 Present a clear plan that will substantially increase future contributions to climate finance and collectively with other countries meet the agreed goal of raising at least 100 billion USD annually, including by meeting previous shortfalls, funded primarily through grant funding rather than loans.

2.19 Adequate funding to address loss and damage in developing countries, particularly through the Loss and Damage Fund once it is operational, ensuring funding is new and additional, based on grants, primarily public, and are easily accessible by frontline communities and marginalised groups who are suffering or will suffer the most from climate-induced loss and damage.

Julian Assange

2.20 Escalate and prioritise dialogue with President Biden on the issue of Julian Assange and request that all charges against him be dropped immediately. Additionally, it is paramount that if Assange wishes, he and his family be provided with safe passage to be reunited with loved ones in Australia.

Human Rights in Foreign Policy

2.21 Make the protection of human rights a central focus of its foreign policy.

2.22 Promote human rights globally and showing human rights leadership both at the UN, other international forums and in bilateral relations.

2.23 Show a clear, consistent principled position on human rights in engagement with all countries.

3 Human Rights Act

3.1 As a signatory to the seven core international human rights treaties, Australia has demonstrated its commitment to respect and protect human rights. However, little has been done to protect these rights and freedoms in domestic legislation. This means the rights and freedoms enshrined in the international instruments are not easily enforceable in Australia.

3.2 Australia remains the only liberal democracy in the world without a federal Human Rights Act. Human rights in Australia are protected in various pieces of legislation, the Constitution, and the common law. This piecemeal approach means some fundamental rights are protected, but many others are not. The only laws explicitly protecting human rights are the six anti-discrimination Acts.

3.3 The Constitution protects certain human rights, such as the right to vote, the right to a jury for certain offences, and some protection of freedom of religion. However, it does not guarantee many fundamental rights, such as the right to legal representation, the right to freedom of expression, and equality before the law. The High Court has implied some rights are found in the Constitution, such as the right to freedom of political communication.¹

3.4 The common law recognises several rights and freedoms, including the right to a fair trial and freedom of movement. However, common law protections can be overridden by Parliament at any time.

3.5 In recent years, Parliament has passed laws that are not human rights compliant. The Australian Law Reform Commission's inquiry into "Traditional Rights and Freedoms: Encroachments by Commonwealth Laws" in 2015 cited many examples of laws that interfered with common law rights, including freedom of speech, religion, movement, association and the right to a fair trial.² In The Legal Assault on Australian Democracy in 2016, Professor George Williams identified 350 examples of laws that "arguably encroach upon rights and freedoms essential to the maintenance of a healthy democracy".³

3.6 Amnesty believes that legislating overarching human rights protection in a Human Rights Act or Charter is the most important step to promote and protect human rights in Australia. The certainty and clarity provided by one overarching document containing all human rights protected in Australia would greatly assist public authorities in respecting human rights. An Act would require public authorities to consider human rights when making decisions and to act compatibly with human rights. A law would also provide opportunities for people to seek justice if their rights were breached,

¹ *Nationwide News Pty Ltd v Wills, Australian Capital Television Pty Ltd v Commonwealth*

² Traditional Rights and Freedoms: Encroachments by Commonwealth Laws

<https://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-report-129/>

³ In The Legal Assault on Australian Democracy

<https://lr.law.qut.edu.au/article/view/651.html>

3.7 Three states and territories have passed Human Rights Acts or Charters; the ACT in 2004, Victoria in 2006, and Queensland in 2019. These Acts have made positive impacts in protecting the rights of those living in these jurisdictions.

3.8 Amnesty has long advocated for enacting a national Human Rights Act to protect the rights of all people and provide avenues to seek justice if people's rights are breached.

3.9 Amnesty's annual human rights survey has consistently shown that awareness of which rights are currently protected under Australian law remains poorly understood. 54% of the sample said that the rights of children were protected by Australian law. 51% of those surveyed believed Australia has a Human Rights Act, demonstrating a significant misunderstanding in the public's knowledge of human rights protections in Australia.⁴

3.10 The survey has also consistently shown strong public support for a federal Human Rights Act. When told that Australia does not have a Human Rights Act, 73% support its introduction (38% strongly support and 35% support), three per cent showed some level of opposition (only 1% strongly oppose), while 16% were non-committed (neither oppose nor support) and 7% were unsure. Knowing that Australia is the only liberal democracy without an Act again bolsters the case for its introduction: 59% of the sample become more supportive when they were informed of this.⁵

3.11 Amnesty has welcomed the launch of the Australian Human Rights Commission's "Free & Equal Position Paper" in March 2023.⁶

3.12 The Federal Government's Human Rights Framework, launched in April 2010 in response to the National Human Rights Consultation Committee (NHRCC) report, chaired by Fr Frank Brennan SJ, included a commitment to review its effectiveness by the fourth year.⁷ While some positive initiatives came from the Framework, Amnesty has been concerned about successive governments' failure to adopt and implement all of the recommendations in the NHRCC report, in particular, the key recommendation to legislate a Federal Human Rights Act.

3.13 Since the 2010 Framework lapsed, the failure of public authorities to consider and to act compatibly with human rights has been evident in a myriad of ways. The Aged Care Royal Commission, Robo Debt Royal Commission, and Disability Royal Commission revealed horrifying instances of abuse by public authorities. The 2019 raids on the ABC and News Corporation journalists by the Australian Federal Police revealed to many that freedom of the press is not protected nor guaranteed in Australia. The debate on how to legislate protections from religious discrimination has demonstrated the need for a law such as a Human Right Act that defines when a right can be limited when rights compete and how.

⁴ Amnesty International Human Rights Barometer 2022

<https://www.amnesty.org.au/report-amnesty-international-australia-human-rights-barometer-2022/>

⁵ Ibid, 3

⁶ Free and Equal: A Position paper on Human Rights Act

https://humanrights.gov.au/sites/default/files/free_equal_hra_2022_-_main_report_rgb_0_0.pdf

⁷ National Human Rights Consultation Report

<https://alhr.org.au/wp/wp-content/uploads/2018/02/National-Human-Rights-Consultation-Report-2009-copy.pdf>,

3.14 The Australian Human Rights Commission handles human rights complaints through the lens of the international treaties that Australia has signed up to. It seeks to resolve matters through conciliation. However, the process is without any recourse to enforceable remedies through the courts except where a complaint concerns a breach of one of the anti-discrimination Acts.

Federal discrimination laws

3.15 Australia's four discrimination laws, the *Racial Discrimination Act 1975 (Cth)*, *Sex Discrimination Act 1984 (Cth)*, *Disability Discrimination Act 1992 (Cth)* and *Age Discrimination Act 2004 (Cth)*, protect individuals from discrimination based on their attributes such as race, sex, disability and age. The AHRC handles complaints concerning discrimination on the basis of these attributes. Separate, overlapping schemes also exist to protect against discrimination in the workplace. In addition, states and territories have their own protection mechanisms.

3.16 There are significant discrepancies between Acts, affecting the accessibility, practicality, and efficacy of human rights protection at a national level.

3.17 Developed in a piecemeal fashion, some of these laws have remained unchanged since their inception four decades ago.

3.18 Since Labor came to power, the Government has taken some steps to reform anti-discrimination laws. The *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (Cth)* was enacted in December 2022, marking an important step toward implementing the recommendations of the "Respect@Work" report. The Albanese Government has also asked the Australian Law Reform Commission to report on religious exemptions for schools in the *Sex Discrimination Act 1984 (Cth)* as a first step towards religious discrimination laws that would end the discrimination against LGBTQIA+ students and staff, while allowing religious schools to maintain their communities of faith.

3.19 In the Platform, Labor has committed to simplifying "federal anti-discrimination laws by consolidating them into a single piece of legislation – including a review of existing exemptions to ensure that they do not prevent access to essential social services".

3.20 The AHRC's position paper, as part of its "Free and Equal Project" in December 2021, provides a comprehensive review of the status of these laws, emphasising the need for overdue reforms and providing 38 recommendations to modernise Federal discrimination laws.⁸

3.21 The position paper identified four key areas of reform; building a preventative culture, modernising the regulatory framework, enhancing access to justice, and improving the practical operation of federal discrimination laws.

⁸ A reform agenda for federal discrimination laws

<https://humanrights.gov.au/our-work/rights-and-freedoms/publications/free-and-equal-reform-agenda-federal-discrimination-laws>

Australian Human Rights Commission

3.22 As the national human rights institution, and an independent statutory organisation, the AHRC undertakes investigation and conciliation of discrimination and human rights complaints. It advocates to the government and others to embed human rights in laws and policy. It also promotes and raises awareness of human rights in Australia through education, training and outreach. The Commission also monitors Australia's performance in meeting its international human rights commitments and reporting to the United Nations.

3.23 The AHRC has identified financial sustainability as its key challenge. Due to underfunding from the government over the past decade, the AHRC had difficulty maintaining the staffing levels required to undertake its statutory obligations. Commissioners have had to rely on short-term funding from external sources, which hindered their ability to fulfil their mandates.

3.24 The AHRC has received an unprecedented increase in the number of complaints under federal discrimination laws during and following the Covid-19 pandemic. However, with funding unable to keep pace with the volume of complaints, there is a significant backlog of complaints.

3.25 In the Platform, Labor has expressed support for the Australian Human Rights Commission and its commissioners, acknowledging their important work to promote a more inclusive and respectful society. The May 2023 Budget announced greater funding to the AHRC, a much-welcomed move.

3.26 *Amnesty recommends that the Platform commits to:*

- Enacting a Human Rights Act. We recommend that the Act be based on the Commission's proposed model, which builds on the recommendations contained in the 2009 report by NHRCC. Amnesty supports the "dialogue model" proposed by the AHRC.⁹ This model preserves Parliamentary supremacy, focusing on a formal 'dialogue' between authorities who share responsibility for respecting and protecting human rights. A dialogue model requires authorities, including Parliament, to consider human rights at the early stages of the development of law and policy.
- Modernising federal discrimination laws to ensure their effectiveness and shift the focus from a reactive model that responds to discriminatory treatment to a proactive model that seeks to prevent discriminatory treatment in the first place.
- Ensuring that the Australian Human Rights Commission is appropriately and sustainably resourced to perform its statutory functions.

⁹ A National Human Rights Act for Australia
<https://humanrights.gov.au/human-rights-act-for-australia>

4 First Nations justice

4.1 Amnesty International Australia commends the Labor Government's commitment to implementing the Uluru Statement from the Heart in full. Amnesty stands in solidarity with Aboriginal and Torres Strait Islander Peoples in their continuing fight for justice and all it encompasses. As a predominantly non-Indigenous organisation, Amnesty International recognises the importance of supporting Aboriginal and Torres Strait Islander Peoples in the pursuit of self-determination and justice and acknowledging there is a diversity of opinions and perspectives in First Nations communities.

4.2 As a human rights organisation, Amnesty recognises the opportunity the 2023 Referendum on the Voice provides in progressing First Nations rights in Australia. Amnesty is committed to campaigning to ensure all human rights are recognised and realised for all First Nations Peoples and as such supports voting in favour of the Voice to Parliament. Amnesty will continue supporting Aboriginal and Torres Strait Islander Peoples' demands for justice beyond the Voice.

4.3 The systemic breaches of the rights of Aboriginal and Torres Strait Islander Peoples are widespread, as evident in the overrepresentation of First Nations children and adults in the criminal justice system, dispossession of their land and resources, discriminatory government policies imposed on their lives without consent or consultation, and the profound social and economic inequality.

4.4 Australia's colonial history – from British invasion to the theft of Aboriginal land, to genocide, the rejection and repression of Aboriginal culture, social exclusion, imprisonment, slavery, the Stolen Generations, extreme racism and forced poverty – continues to hold First Nations people back in almost every facet of life.

4.5 Amnesty focuses its Indigenous justice campaign on ending the overrepresentation of Aboriginal and Torres Straits Islander children in Australia's youth detention centres and, in particular, raising the age of criminal responsibility from the current 10 to at least 14. The ongoing impacts of colonisation and racism are a large part of why First Nations children have more contact with police, courts and prisons.

4.6 This submission will focus on our campaign priority to end the grossly disproportionate rate of incarceration of First Nations children and ensure kids stay with their families, in the community, in schools, and not in prisons where they are harmed and further traumatised.

4.7 Amnesty welcomes the commitment expressed in the draft Platform to “provide federal leadership to end high rates of First Nations incarceration and deaths in custody. This includes facilitating collaboration between relevant federal and state agencies, supporting place-based justice reinvestment programs, and the sustainable funding of Aboriginal and Torres Strait Islander Legal Services.” It further states, “Labor will work closely with state and territory governments to review the age of criminal responsibility, paying regard to current international standards, and what is best for children, for families, and for the communities in which they live.”

4.8 This commitment is also consistent with Labor's commitments to the Uluru Statement from the Heart and the National Agreement on Closing the Gap, which includes justice targets to reduce

the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent by 2031 and reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent by 2031.¹⁰

4.9 Turning the tide on the high incarceration rate of Aboriginal and Torres Straits Islander children is also in line with the principles of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including the right to self-determination, that Australia endorsed in 2009.

4.10 In the draft Platform, Labor acknowledges Australia can address the disadvantage experienced by First Nations Peoples through empowerment and self-determination. Amnesty recognises that Australia's failure to uphold UNDRIP principles, including the denial of the right to self-determination and the ongoing impacts of colonisation, are the underlying drivers of the high incarceration rate of Aboriginal and Torres Strait Islander children.

4.11 At 30 June 2021, Aboriginal and Torres Strait Islander prisoners made up 30% of all prisoners. The situation is dire for young First Nations people who make up 50% of 10- to 17-year-olds in Australian youth detention, but just 6% of the overall population. The overrepresentation of First Nations children in the criminal justice system has been recognised as a human rights issue by many UN treaty bodies and the Special Rapporteur on the Rights of Indigenous Peoples in her 2017 report.¹¹ Young Aboriginal and Islander people are disproportionately punished for minor offences and remanded in custody, in violation of Article 2 of UNDRIP.¹²

4.12 From Don Dale Youth Detention Centre in Northern Territory to Ashley Detention Centre in Tasmania and to juvenile detention centres across the country, we have seen the conditions and treatment deteriorating for First Nations children in detention, including removal to adult prisons, solitary confinement, incidents of self-harm and the use of tools of torture in contravention of Article 1 of UNDRIP, which refers to the "full enjoyment of rights" contained in many international treaties.

4.13 Research shows that incarcerating children affects their neuropsychological and social development, leading to depression, suicide, self-harm, and other long-lasting issues.¹³ Once a young person comes into contact with the criminal justice system, it is likely that they will have increased interaction with the criminal justice system throughout their lifetime.¹⁴ As a result, they are stuck in a cycle of trauma and injustice by the Australian criminal justice system. This is in

¹⁰ Closing the Gap targets and outcomes, available at

<https://www.closingthegap.gov.au/national-agreement/targets>

¹¹ Committee on the Rights of the Child, 2012, [Concluding Observations – Australia, CRC/C/AUS/CO/4, 28 August 2012](#); Committee Against Torture, 2008, [Concluding Observations – Australia, CAT/C/AUS/CO/3, 22 May 2008](#), Office of the High Commissioner for Human Rights, 2017, [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia, A/HRC/36/46/Add.2, 8 August 2017](#)

¹² Article 2 of UNDRIP

"Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity."

¹³ The Australian Child & Adolescent Trauma, Loss & Grief Network, 'Trauma, young people and Juvenile Justice', published by The Australian National University.

¹⁴ Thomas Crofts, 'Will Australia Raise the Minimum Age of Criminal Responsibility?' (2019) 43, *Criminal Law Journal*, 32.

violation of Article 7.1 of UNDRIP.¹⁵ To comply with Articles 34 and 35 of UNDRIP,¹⁶ local communities and families must be afforded the right to govern to solve the problems in accordance with their own customs and laws.

4.14 In its First Nations justice packages in its first two Budgets, the Labor Government announced \$81.5 million for 30 community-led justice reinvestment initiatives across the country and an independent national justice reinvestment unit to coordinate these initiatives in keeping with its election commitment in October 2022 and a further \$10.0 million over 4 years from 2023–24 for justice reinvestment initiatives in Central Australia.^{17,18}

4.15 Amnesty welcomed these Budget announcements as it has long called for supporting justice reinvestment initiatives, led by First Nations communities, to address the disproportionately high incarceration rate of Aboriginal and Torres Strait Islander peoples.

4.16 Studies of Indigenous-directed expenditure in previous years have shown that ‘Public order and safety’ (the police, justice and carceral systems) is a significant category of government expenditure on Indigenous people.¹⁹ Amnesty commends the Government for reinvesting those taxpayers’ dollars into preventive measures. Instead of failed punitive approaches, these initiatives embrace therapeutic and rehabilitative methods like diversion programs that address the underlying causes of problematic behaviour in children.

4.17 Amnesty recommends that the Platform commits to:

- Setting a consistent, national approach to raise the minimum age of criminal responsibility to at least 14 years old in all jurisdictions, without carve-outs for children under this age.
- Affording autonomy and the right to govern to First Nations communities to support vulnerable children through evidence-based Justice Reinvestment initiatives that are led by the communities.
- Continuing funding of new and existing justice investment initiatives across the country and the national body to coordinate these initiatives. It is crucial that an Australian model of Justice Reinvestment centres on Aboriginal and Torres Strait Islander leadership and expertise at every level.

¹⁵ Article 7.1. of UNDRIP

Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of a person.

¹⁶ Article 34 of UNDRIP

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35 of UNDRIP

Indigenous peoples have the right to determine the responsibilities of individuals to their communities

¹⁷ Budget Paper No. 2: Budget Measures, APH, available at

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fbudget%2F2022O_02%22

¹⁸ Budget measures 2023-24

https://budget.gov.au/content/bp2/download/bp2_2023-24.pdf

¹⁹ Indigenous Expenditure Report, Productivity Commission, available at

<https://www.pc.gov.au/ongoing/indigenous-expenditure-report>

- Developing a national plan for the implementation of the UNDRIP based on consultation with First Nations representatives. And this plan must adhere to intrinsically-linked principles of self-determination and free, prior and informed consent.

5 Refugee Rights

Offshore Detention

5.1 The current policy of the Australian Government is that no person who arrives in the country by boat seeking asylum can ever settle in Australia. Instead, anyone who arrives by boat is forcibly taken by the Government of Australia to offshore 'Regional Processing Centres'.

5.2 A mainstay of Australia's offshore detention regime, Nauru and Australia signed a new memoranda of understanding about offshore processing on the island as recently as 2021.²⁰

5.3 Despite the legislative instrument designating Nauru as a regional processing country lapsing towards the end of 2022, Nauru was re-designated as a country for regional processing in February 2023, despite advice from UNHCR stating that:

*"UNHCR strongly objects to the re-designation of Nauru as a regional processing country. The designation amounts to externalization of international protection responsibilities and is contrary to Australia's obligations under the 1951 Convention, as well as to the principles of the Global Compact on Refugees... Such arrangements are not only detrimental to the wellbeing of those transferred but they shift asylum responsibilities, evade international obligations, are contrary to the letter and spirit of the Refugee Convention and negatively influence refugee approaches elsewhere."*²¹

5.4 Under this agreement, Nauru is responsible for assessing people's claims for international protection and hosting the facilities required to detain them, while Australia is committed to bearing the entirety of the cost.²²

5.5 As a matter of international law, a state can be held responsible for the conduct of its officials when they are outside its territory. The test for whether Australia retains primary responsibility over refugees and people seeking asylum offshore is not whether those individuals are located on Australian soil, but whether Australia exercises "effective power and control" over them.

5.6 There are currently no refugees and people seeking asylum remaining on Nauru, and Amnesty commends the Albanese Labor Government for working to have those people remaining transferred to Australia for medical treatment. However, there are more than 80 refugees and people seeking asylum still trapped in Papua New Guinea. Similar arrangements existed between the Australian and Papua New Guinea Governments as to those now with Nauru, however, this was terminated at the end of 2021, with - according to the Australian Government - responsibility for the more than 100 refugees and people seeking asylum remaining there at that time

²⁰ Department of Foreign Affairs and Trade, 'Memorandum of Understanding between the Republic of Nauru and Australia on the Enduring Regional Processing Capability in Republic of Nauru,' 2021 available at <https://www.dfat.gov.au/geo/nauru/memorandum-understanding-between-republic-nauru-and-australia-enduring-regional-processing-capability-republic-nauru>.

²¹ Parliament of Australia, 2023, available at, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22publications%2Ftabledpapers%2F2ed26bb1-813e-45c9-9b25-33a56a991145%22>.

²² Ibid.

transferring to the Papua New Guinea Government, despite a lack of alternative resettlement options.²³

5.7 The Albanese Labor Government claims that this policy of offshore detention deters people-smugglers and protects people who might otherwise undertake the hazardous boat crossing to Australia. However, since its inception, offshore processing has been designed to be punitive and has been widely promoted by a succession of Australian governments as a deterrent to refugees and people seeking asylum, rather than people smugglers.

5.8 This deterrence-based response to those attempting to reach safety by boat, which includes boat push-backs, is both abusive and unsustainable. It has seen more than a dozen avoidable deaths, along with serious and worsening physical and mental health impacts.²⁴ Furthermore, it has seen the deteriorating security and safety of those continuing to be detained under this regime, with people seeking asylum being forcibly returned to their countries of origin and then becoming victims of persecution, violence, torture and death.²⁵

5.9 Mental illness and incidents of self-harm among refugees and people seeking asylum in offshore detention are shockingly commonplace. Nearly all of the people whom Amnesty researchers and campaigners have met reported mental health issues of some kind: high levels of anxiety, trouble sleeping, and mood swings were frequently mentioned. Almost all said that these problems began when they were transferred offshore.²⁶

5.10 This is in part due to the debilitating uncertainty refugees and people seeking asylum face about their future. Although refugees and people seeking asylum on Nauru and in Papua New Guinea are no longer technically detained, they are nonetheless in a detention-like environment. In all intents and purposes, Nauru and Papua New Guinea are open-air prisons that people cannot leave, even when they have been officially recognised as refugees.

5.11 The health care available in offshore processing is also inadequate. Certain medical services, specialists, tests and procedures are not available. Individuals said they had to wait for months to see a visiting specialist or undergo a necessary test, even when, according to the doctors, their condition was serious, such as suspected cancer.²⁷

5.12 Descriptions of medical transfers to and from Nauru and Papua New Guinea expose a system that traumatises the patient and appears to be done in a manner that is not in the best

²³ Legal and Constitutional Affairs Legislation Committee, 'Official Committee Hansard,' 2021, pg. 59, available at https://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/25201/toc_pdf/Legal%20and%20Constitutional%20Affairs%20Legislation%20Committee_2021_10_25_Official.pdf;fileType=application%2Fpdf#search=%22committees/estimate/25201/0000%22

²⁴ Monash University, 'Australian Border Deaths Database,' 2021 available at https://www.monash.edu/_data/assets/pdf_file/0018/2523141/BOB-Research-Brief-18- border-deaths-annual-report-2020_Final.pdf

²⁵ Amnesty International, 'Island of Despair,' 2016, available at <https://www.amnesty.org.au/wp-content/uploads/2016/10/ISLAND-OF-DESPAIR-FINAL.pdf>.

²⁶ Ibid.

²⁷ Ibid.

interests of patients. The medical transfer of patients depends on the discretion of the Home Affairs Minister, and medical professionals can be overruled or their advice disregarded.²⁸

5.13 This system has resulted in the avoidable deaths of more than a dozen refugees and people seeking asylum, including that of Hamid Khazaei. The Queensland Coroner found that Mr Khazaei's death was preventable and the result of "compounding errors" in health care provided under Australia's offshore immigration detention system.²⁹

5.14 The conditions on Nauru and in Papua New Guinea: refugees' severe mental anguish; the intentional nature of the system; and the fact that the goal of offshore processing is to intimidate or coerce people to achieve a specific outcome, amounts to torture.

5.15 In furtherance of a policy to deter refugees and people seeking asylum, consecutive Australian Governments have made a calculation in which intolerable cruelty and the destruction of the physical and mental integrity of hundreds of children, men and women, have been chosen as a tool of government policy. In doing so the Albanese Labor Government remains in breach of international human rights law and international refugee law.

5.16 *Amnesty recommends that the Platform commits to:*

- Ending the policy of offshore processing and detention and permanently closing the 'Regional Processing Centre' on Nauru. Until that time, ensuring that Nauru is considered a primary place of detention under Australia's OPCAT obligations.
- Transferring all refugees and people seeking asylum in Papua New Guinea who wish to do so to Australia to receive medical treatment while they await resettlement in a third country.

Alternative Places of Detention

5.17 Another population relevant to offshore processing on Nauru and Papua New Guinea is a group of approximately 1300 people currently in Australia. These are refugees and people seeking asylum who were previously held offshore, and who were brought to Australia for their own, or a family member's medical treatment.

5.18 The majority of these refugees and people seeking asylum are now living in the community on some form of bridging visa or in community detention, awaiting permanent options of resettlement whilst contributing to the communities in which they now live. This is a welcomed step.

5.19 However, many in this group were previously detained in what are referred to as 'Alternative Places of Detention' (APODs) and various other detention centres around Australia.³⁰ There is nothing 'alternative' to this form of detention, with many reporting that conditions within APODs are far more restrictive than that of traditional detention centres. According to the United

²⁸ Migration Amendment (Repairing Medical Transfers) Bill 2019 (Cth).

²⁹ ABC, 'Asylum Seeker Hamid Khazaei's Death From Leg Infection Was Preventable, Queensland Coroner Finds,' 2018, available at

<https://www.abc.net.au/news/2018-07-30/asylum-seeker-hamid-khazaei-coronial-inquest-death-preventable/10050512>.

³⁰Above, n32.

Nations High Commissioner for Refugees 'Revised Guidelines on Detention', APODs do not fall within the parameters of 'alternatives to detention'.³¹

5.20 Amnesty has received reports of refugees and people seeking asylum remaining locked in their rooms for upwards of 23 hours a day. They have nearly no access to the outside world, yet alone the proper treatment they were brought to Australia to receive.³² Many were in these conditions for nearly two years. According to the Australian Human Rights Commission, APODs should only ever be used for "very short periods of time and under exceptional circumstances."³³ To make matters worse, many of the refugees and people seeking asylum that were held in these conditions have physical and mental health conditions that require lengthy periods of treatment and in many cases, deteriorated under the detention conditions of APODs.

5.21 Between 11 November 2019 and 21 January 2021, Mostafa Azimitabar (Moz) was detained within APODs. He was detained until 16 December 2020 at the Mantra Bell City Hotel in Preston, Victoria (Mantra Hotel), and then at the Park Hotel in Melbourne, Victoria, from about 17 December 2020 to about 21 January 2021. On 14 April 2021 - supported by Amnesty and Marque Lawyers - Moz commenced proceedings against the Commonwealth of Australia in the Federal Court of Australia, challenging the lawfulness of the hotel detention regime provided for in the Migration Act 1958 (Cth) (the Act). On 6 July 2023, the Federal Court ruled against Moz, stating that the Government did, in fact, have the legislative power to detain him.

5.22 However, in a departure from the norms of judgments in the Federal Court, Justice Bernard Murphy emphasised that the lawfulness of Moz's detention must not be confused with the morality of the practice. Justice Murphy told the court: "I can only wonder at the lack of thought, indeed the lack of care and humanity, in detaining a person with psychiatric and psychological problems in these hotels for over 14 months."

5.23 Just because it's lawful, doesn't make it right. We must see a coherent and humane plan for the future of people recognised as refugees.

5.24 *Amnesty recommends that the Platform commits to:*

Ensuring detention in APODs should only occur in exceptional circumstances and for the shortest possible time. Unless required for health and safety, the maximum time a person should be held in hotel-like accommodation is 7 days.

³¹ Office of the United Nations High Commissioner for Refugees, 'UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers,' 1999, available at <https://www.unhcr.org/en-au/protection/globalconsult/3bd036a74/unhcr-revised-guidelines-applicable-criteria-standards-relating-detention.html>.

³² Public Interest Advocacy Centre, 'Healthcare denied: Medevac and the long wait for essential medical treatment in Australian immigration detention,' 2021 available at https://piac.asn.au/wp-content/uploads/2021/12/PIAC_Medevac-Report_2021_IssueE_03122150-1-1.pdf

³³ Australian Human Rights Commission, 'The Use of Hotels as Alternative Places of Detention,' 2023, available at https://humanrights.gov.au/hotel_apods_2023#:~:text=The%20Commission's%20report%20found%20serious.by%20some%20people%20being%20detained.

Real Alternatives to Detention

5.55 The United Nations High Commissioner for Refugees 'Revised Guidelines on Detention' calls upon states to consider alternatives to the detention of people seeking asylum until their status is determined.³⁴ In accordance with these guidelines, the issuing of bridging visas may be considered to be an alternative to detention.

5.56 Whereas previously refugees and people seeking asylum transferred to Australia for medical treatment under the Medevac legislation were held indefinitely in APODs, consecutive Australian Governments have made a number of policy changes - namely the issuing of bridging visas - that have to some extent softened the harsh nature of the current detention system.

5.57 Currently, the majority of refugees and people seeking asylum who were detained offshore and who are now in Australia are either in Community Detention (CD) or have been issued "Final Departure" bridging visas (BVEs), or are now being being transferred out of CD onto these visas through a staged approach. Prior to Medevac the previous practice for those medically transferred from offshore was to place, specifically families, into CD.

5.58 Amnesty has expressed concern with respect to both of these practices, (the use of CD and BVEs) as the process has often been arbitrary, while also in practice restricting refugees and people seeking asylum's basic rights in different ways. While in most cases a BVE holder will be granted work rights, previously this trade off meant that BVE holders were not eligible to receive Centrelink and were ineligible for the Status Resolution Support Services (SRSS) program. Amnesty welcomes recent changes by the Albanese Labor Government to provide extended support for those being released from CD, to help them transition into the community, as well as now providing access to SRSS for those BVE holders acutely in need.

5.59 Refugees and people seeking asylum who are placed into CD should be afforded basic rights and entitlements, including the right to employment and education. While CD may be appropriate for some, there must be flexibility in this designation to ensure an appropriate decision can be made around the circumstances of individuals.

5.60 Furthermore, Amnesty remains deeply concerned at the limited nature of the Final Departure BVE, both in terms of the length of the visa as well as restrictions on basic rights attached to it. Granting 6 month visas makes it extremely difficult for refugees to gain access to the rental market as well as to find employment. When the only realistic third country option open to them is New Zealand, and this process is a three year process, forcing refugees to reapply every 6 months is both cruel and unnecessary.

5.61 While waiting for third country options, restrictions on basic rights such as the right to study is also deeply harmful as well as counter productive. If refugees are to successfully settle in countries such as New Zealand, who are assisting Australia by offering resettlement places, then

³⁴ UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers. Geneva: UNHCR, United Nations High Commissioner for Refugees (February 1999) (UNHCR Revised Guidelines on Detention), Guideline 3.

all efforts should be made to allow these refugees to access basic rights that will result in improved integration while waiting for these outcomes.

5.62 *Amnesty recommends that the Platform commits to:*

Ensuring bridging visas allow for refugees and people seeking asylum to remain in the community with rights and entitlements and are extended for an appropriate amount of time.

The Impacts of Indefinite and Mandatory Detention

5.63 Under Australia's mandatory detention legislation, people seeking asylum who arrive without adequate documentation are held in immigration detention pending the outcome of their asylum claim. The only way their detention can come to an end under Australian law is for the person to be granted a visa enabling them to remain lawfully in Australia, or to be removed or deported to another country.³⁵

5.64 Under the Migration Act 1958, those whose detention cannot be ended in any of these ways must continue to be detained. Due to the lack of any independent review, a rejected person seeking asylum may be subject to indefinite detention pending removal.

5.65 Additionally, Australian law prohibits the release of detained people seeking asylum while their status is being determined, notwithstanding the relevant Minister's ability to lift the bar. It can take many years for a final determination to be made on a person seeking asylum's claim. Meanwhile, the person remains in detention until they are recognised as a refugee under the Refugee Convention and granted a visa, or are removed. The average time a person spends in detention as of January 2023 was 806 days.³⁶ This is in comparison to countries like the UK and Canada, where the average time of detention is 7 and 24.1 days respectively.³⁷

5.66 This delay can be due to a number of factors including the nature of the claim itself and the difficulty in obtaining relevant information. However, in many cases it is also due to the shortcomings of Australia's refugee determination system, which lacks adequate safeguards to prevent errors in decision making at first instance or in relation to subsequent applications, and provides asylum applicants with inadequate advice and representation beyond appeal to the Administrative Appeals Tribunal.

5.67 There is mounting evidence that refugees and people seeking asylum, particularly those who are kept in prolonged or indefinite detention, are at high risk of experiencing chronic depression, incidents of self-harm or attempted suicide.

5.67 Amnesty considers it unacceptable that exercising the right to seek asylum in Australia from human rights abuses in other countries should be met with a system that further violates human rights, including mandatory administrative detention of a prolonged or indefinite period of time.

³⁵ Migration Act 1958 (Cth).

³⁶ 'Immigration Detention and Community Statistics Summary', Department of Home Affairs, <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-january-2023.pdf>.

³⁷ Above n.14, pg, 18.

5.68 Amnesty maintains that detention should only take place in exceptional circumstances, consistent with international human rights standards. Persons whose detention does not meet such standards should be immediately released from detention. Persons who are detained beyond a maximum period of detention which should be reasonable in its length and as specified in national law should be automatically released.

5.69 *Amnesty recommends that the Platform commits to:*

Ensuring that no person is detained in violation of their human rights and bring an end to the policy of mandatory and indefinite detention.

Temporary Protection Visas

5.70 Amnesty welcomed announcements earlier this year by the Albanese Labor Government that partly fulfilled their election promise to transition refugees from the cruel and unnecessary system of temporary protection visas that have forced thousands of people and their families to live in limbo, towards a pathway to permanency.

5.71 Amnesty is among many human rights and civil society organisations who have campaigned for the abolishment of Temporary Protection Visas since their inception, and have called for the end to an unnecessary, cruel, harmful policy which has undermined a cohesive Australian society.

5.72 While Amnesty is relieved to see the happiness this brings after so many years for the more than 19,000 refugees for whom this announcement applies, we do note that despite Labor's policy platform stating that a Labor Government would commit to abolishing Temporary Protection Visas completely, the visa category remains.

5.73 However, a more pressing concern relates to the roughly 9,000 people seeking asylum who were rejected under the flawed fast track process, for whom this recent announcement is bitterly disappointing. Thousands of people rejected under this process, who have been living and working in Australia for more than a decade, now face further limbo and uncertainty, with many facing the very real prospect that they will be forcibly returned to the country from which they fled.

5.74 As a human rights organisation, Amnesty understands the complexities and the need for rigour in Australia's refugee determination processes, but much like Labor in opposition, have serious concerns regarding the fast track process.

5.75 *Amnesty recommends that the Platform commits to:*

- Fully abolishing Temporary Protection Visas and Safe Haven Enterprise Visas
- Establishing a process that will allow people seeking asylum, rejected under the fast-track process, to at a minimum be able to reapply through a system that meets basic procedural standards and/or for those from countries where circumstances have clearly changed/deteriorated, look to expedite any requests that have been made to the Minister for these individuals.

Australia's Humanitarian Program

5.76 Refugees and people seeking asylum face particular vulnerabilities. These include but are not limited to border closures, a lack of access to countries of asylum, as well as difficulties in maintaining safety measures in overcrowded refugee camps and/or detention centres. Yet as global conflicts escalate, there are record numbers of people on the move - more than 100 million.

³⁸ This means that resettlement as a durable solution is now more important than ever.

5.77 Amnesty recognises the important role Australia has played in resettling vulnerable refugees through the offshore component of the Humanitarian Program, but believes Australia has a responsibility to be doing much more.

5.78 While Amnesty recognises the sharp increase in the number of resettlement visas being granted under the Albanese Labor Government in comparison to previous years, it's important to ground this recognition in relative terms. During 2020-21, Australia had one of its lowest intakes in 45 years, with only 4,558 offshore visas granted.³⁹ This is in stark contrast to countries like Canada, who have committed to a target of more than 50,000.

5.79 Amnesty appreciates that under current circumstances, there may be capacity constraints regarding settlement services, and a scaled approach may be required. However, Amnesty strongly believes these constraints will not be dealt with unless there is a clear indication regarding the future of the Humanitarian Program.

5.80 Amnesty believes that the Albanese Labor Government must commit to increasing the offshore Humanitarian Program to 30,000 places as a matter of urgency, with complementary pathways additional to this quota.

5.81 As a key resettlement country with a long history of successful resettlement, it is crucial Australia continues to play a leading role in the broader global response. Thus beyond growing the program, one central reform needed is the delinking of the onshore component of the Humanitarian Program from the offshore component.

5.82 If a person is found to be in need of protection in Australia, Australia is obliged under international law to grant them protection. This should not be offset against the needs of vulnerable refugees who require resettlement from overseas. The linking of these two distinct protection methods has had a considerable negative impact on Australia's ability to provide protection to both those it has an obligation to and those it has made a commitment to internationally.

5.83 Amnesty globally has also been a strong supporter of community sponsorship and our colleagues in countries such as Ireland, Germany and Argentina have been at the forefront of civil society and government efforts to introduce these programs.

5.84 Thus, Amnesty welcomed changes announced to Australia's Community Sponsorship Program (CSP) towards the end of 2021 that dramatically reduced the cost and bureaucratic

³⁸ Aboven n1.

³⁹ Department of Home Affairs, '2020-21 Humanitarian Program Outcomes,' 2021, available at, <https://www.homeaffairs.gov.au/research-and-stats/files/australia-offshore-humanitarian-program-2020-21-glance.pdf>.

burden for those wanting to sponsor refugees and welcome them into their communities. Additionally, Amnesty strongly welcomed the introduction of the ‘unnamed’ CRISP by the Albanese Labor Government in 2022. The CRISP has the benefit of ensuring that refugees sponsored are those in the greatest need of resettlement (as identified by UNHCR) as well as enabling the broader community to play a leading role in sponsoring and supporting newly arrived refugees.

5.85 However, Amnesty remains concerned that places under both the CSP and CRISP are still being included in Australia’s already historically low Humanitarian Program. This lack of ‘additionality’ inhibits many members of the Australian community from engaging with these programs and could inhibit the growth in these programs in the future.

5.86 *Amnesty recommends that the Platform commits to:*

- Increasing the offshore Humanitarian Program to 30,000 places per annum as a matter of urgency, with the vast majority being visa sub-class 200 (UNHCR referred) refugees.
- De-linking the onshore component of the Humanitarian Program from the offshore component.
- Further reforming Australia’s Community Sponsorship Program so that it is in addition to Australia’s regular Humanitarian Program.
- Ensuring the number of places offered under the CSP and CRISP should be increased to a combined 5,000 places per annum, increasing to 10,000 places per annum within 5 years.

6 Climate Justice

6.1 The climate emergency is a human rights crisis of unprecedented proportions. Climate change threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations and, ultimately, the future of humanity. When climate change-related harms hit a country or a community, the knock-on effects can seriously undermine the enjoyment of the right to life lived in dignity, endanger a range of freedoms, and in many cases even put the cultural survival of entire peoples at risk. In Australia, we see these direct impacts on the lives of Aboriginal and Torres Strait Islander Peoples and their rights to culture and to housing.

6.2 As the latest IPCC report dramatically shows, rapid and sustained action is needed if the increase in global average temperatures is to be kept within 1.5°C, a target likely to be breached by 2027 without course correction.⁴⁰

6.3 Under international human rights law, states have legal and enforceable obligations to tackle the climate crisis. When states fail to take sufficient measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, they violate their obligations under human rights law. International human rights law provides extensive legally binding obligations that can be used to demand effective climate change policies and measures. Human rights law also provides extensive tools to enforce states' legal obligations. Similarly, human rights principles and standards provide significant guidance to establish the responsibility of businesses in relation to the climate crisis.

6.4 The Australian Government's commitment to reduce emissions by 43% by 2030, with the goal of achieving net zero by 2050, is not enough. Despite some welcome measures since the Labor government came to power in 2022, such as legislating climate targets and playing a constructive role at the UN climate conference, it continues to approve new fossil fuel projects.

6.5 Burning fossil fuels such as coal, oil and gas is the source of most GHG emissions for almost all economic sectors and accounts for more than 70% of global GHG emissions. Despite the urgency of the climate crisis and the commitments made by states under the Paris Agreement, carbon emissions from fossil fuel use continued to grow annually.

6.7 Rapidly phasing out fossil fuel production and use, including by ending fossil fuel subsidies, is therefore an urgent task if we are to reduce emissions to a level where we can mitigate the worst impacts of the climate crisis on the enjoyment of human rights.

6.8 At the same time, the transition to renewable energy and a zero-carbon economy must be just, sustainable and human rights-consistent, to facilitate access to energy to all and ensure it is not carried out to the detriment of communities and individuals who are already marginalised or disadvantaged notably First Nations Peoples.

⁴⁰ World Meteorological Organization, Global temperatures set to reach new records in next five years, 17 May 2023, <https://public.wmo.int/en/media/press-release/globaltemperatures-set-reach-new-records-next-five-years>

6.9 Australia played a positive role in the establishment of a fund for Loss and Damage at COP27, however governments failed to take any additional meaningful steps to protect humanity and human rights from accelerating climate change and its devastating impacts, most notably failing to call for a phase out of all fossil fuels and fossil fuel subsidies.

6.10 Australia became one of 132 countries to co-sponsor Vanuatu's initiative to take climate change to the UN, requesting that the International Court of Justice (ICJ) provide an authoritative opinion on states' obligations and responsibilities surrounding climate change.

6.11 International climate finance currently includes funds for mitigation and adaptation provided by wealthy countries to developing ones. Providing adequate climate finance is an obligation under the Paris Agreement and international human rights law.

6.12 It is crucial to keep global average temperatures below 1.5°C, as poorer countries need a sufficient level of resources to carry out just and human rights consistent transitions to zero carbon economies in the quickest time frame possible. It is also essential because millions of people in lower-income countries need support to adapt to the effects of climate change, as lack of or inadequate adaptation measures means that they are especially vulnerable to the human rights harms associated with climate change events.

6.13 Yet, wealthy countries have failed to meet these obligations. They have not yet met their commitment to deliver 100 billion USD climate finance annually from 2020 till 2025 to developing countries - an amount which, in any case, falls far below what is actually needed.

6.14 *Amnesty recommends that the Platform commits to:*

- A rapid and equitable fossil fuel phase out rather than relying on carbon markets and carbon removal mechanisms that would only delay meaningful climate action whilst potentially also negatively impacting on human rights.
- Protecting the rights of First Nations communities in the Torres Strait by rapidly reducing carbon emissions in line with the world commitment of limiting global warming to 1.5°C in line with the best available scientific research.
- Presenting a clear plan that will substantially increase their future contributions to climate finance and collectively with other countries meet the agreed goal of raising at least 100 billion USD annually, including by meeting previous shortfalls, funded primarily through grant funding rather than loans.
- Adequate funding to address loss and damage in developing countries, particularly through the Loss and Damage Fund once it is operational, ensuring funding is new and additional, based on grants, primarily public, and are easily accessible by frontline communities and marginalised groups who are suffering or will suffer the most from climate-induced loss and damage.

7 Julian Assange

7.1 2023 marks 13 years of no freedom for Julian Assange who had used his online platform to expose war crimes that would have otherwise remained concealed. His ongoing incarceration has a significant chilling effect on media freedom.

7.2 The Labor Government must do everything in its power to have the US drop the charges against him, end the extradition process, and to ensure his release. If extradited to the US, Assange faces trial on 18 charges, 17 of them under the Espionage Act.

7.3 If he loses his appeal against extradition from the United Kingdom to the United States, Julian Assange faces extradition to the US where he risks being subjected to prison conditions that constitute ill-treatment, following a trial that will send a message to journalists around the world that they could be next.

7.4 Amnesty has received over half a million signatures from across the world, urging the US to drop the charges against Assange, with over 120,000 signatures added by Australians alone. These are people who are urging governments like Australia to prioritise the rights of a free press, and protect journalism around the world.

7.5 It is Labor's own position that the case against Assange must come to an end, and Amnesty welcomes the various statements by the Albanese Labor Government regarding Assange. However, it is clear that efforts to date have not been enough.

7.6 It is the belief of the Amnesty movement iof made up of millions of people that human rights are inalienable, indivisible, interdependent and interrelated. As governments become ever more secretive, shielding behind the defence of national security, the importance of protecting journalists and publishers who play such a crucial role in not only informing our public, but ensuring that governments are held accountable, has never been greater.

7.7 *Amnesty recommends that the Platform commits to:*

Escalating and prioritising dialogue with President Biden on the issue of Julian Assange and requesting that all charges against him be dropped immediately. Additionally, it is paramount that if Assange wishes, that he and his family be provided with safe passage to be reunited with loved ones in Australia.

8 Human Rights and Foreign Policy

8.1 Successive Australian Governments have expressed commitment to advancing human rights globally through bilateral relationships, aid and engagement with civil society as well as engagements in regional and multilateral fora, including the UN Human Rights Council and the Third Committee of the UN General Assembly.

8.2 Amnesty recognises human rights as a vital Australian value and one that must underpin Australia's engagement with the international community.

8.3 Amnesty welcomes the Labour Government's efforts since coming to power in strengthening Australia's role at the UN to promote human rights as well as in securing the release of Australian citizens wrongly imprisoned overseas.

8.4 Demonstrating a principled, human rights-centred approach to foreign policy is vital to establishing Australia's credibility as a human rights leader on the global stage. Australia must publicly raise human rights concerns and cases, especially in the region, and with governments committing egregious human rights abuses and with whom we share close bilateral relationships.

8.5 *Amnesty recommends that the Platform commits to:*

- Making the protection of human rights a central focus of its foreign policy.
- Promoting human rights globally and showing human rights leadership both at the UN, other international forums and in bilateral relations.
- Showing a clear, consistent principled position on human rights in engagement with all countries.
