



29 April 2022

Sophie McNeill
Australia Researcher
Human Rights Watch
Email: [REDACTED]

Dear Ms McNeill,

Thank you for your questions and the opportunity to outline Labor's policies on these important topics.

Please find enclosed Labor's responses to the issues you have raised.

Yours sincerely



Paul Erickson
ALP National Secretary

Human Rights Watch Questionnaire

Area: Climate change

Creating jobs, cutting power bills and reducing emissions by boosting renewable energy are at the centre of Labor's [Powering Australia Plan](#). This plan will bring cheaper renewable energy to Australian homes and businesses.

Labor's [Powering Australia Plan](#) will reduce emissions by 43 per cent by 2030 – keeping us on track for net zero by 2050.

For nearly a decade, the Liberal Government's mismanagement of our energy policy has been a threat to our economy - leaving Australia missing out on the jobs, growth, and opportunities that our abundant renewable resources could unlock.

Business has shown leadership. Government must play its part.

A Labor Government will close the yawning gap between our current Federal Government and our business community, agricultural sector and state governments when it comes to investing in the renewables that will power our future.

Area: Age of criminal responsibility

Labor believes that the age of criminal responsibility is too young and strongly supports moves by Federal, State and Territory Attorneys-General to review it. Labor is particularly concerned to reduce the over-incarceration of First Nations children, who are [17 times more likely to be imprisoned](#) than non-Indigenous children.

In contrast with the Morrison Government's years of dithering on this important issue, an Albanese Labor Government will work closely with the States and Territories to ensure the age of criminal responsibility reflects what is best for children, for families, and for the communities in which they live. In addition, an Albanese Labor Government will invest \$79 million to expand [justice reinvestment](#) initiatives that address the drivers of children's contact with the criminal legal system.

Area: Discrimination

Labor believes all Australians have the right to live their lives free of discrimination. This is why Labor supports the extension of the federal anti-discrimination framework to ensure that Australians are not discriminated against because of their religious beliefs or activities – just as the law already prohibits discrimination on the basis of age, disability, race, sex, gender identity, sex characteristics and sexual orientation. Labor has made clear repeatedly, that any extension of the federal anti-discrimination framework must not come at the expense of existing laws that protect Australians from other forms of discrimination.

The Morrison Government's religious discrimination legislation, which the Prime Minister now appears to have abandoned, goes some way towards protecting Australians from religious discrimination. But there are aspects of the proposed laws that would diminish existing protections for Australians from other forms of discrimination. The legislation would also provide inadequate protections to people of minority faiths – particularly against vilification – and fails to deliver on the Prime Minister's commitment to protect all school children from discrimination. Labor was also successful in amending the legislation in the House of Representatives to prohibit discrimination against school children on the grounds of sexuality and gender identity.

Due to the success of this amendment the Prime Minister walked away from his commitment to extend anti-discrimination laws by not even allowing the legislation to be debated in the Senate prior to the Election.

Area: Human rights

Promoting universal human rights is an essential policy objective for Labor, and our diplomatic, economic and international development assistance goals recognise this.

Labor has been a strong advocate for human rights and civil liberties both in Australia and on the international stage, and we will continue to pursue effective human rights diplomacy that supports international and regional security in Australia's national interest. We will continue to pursue effective human rights diplomacy at every appropriate opportunity.

Our view is that protection and promotion of internationally-accepted human rights is vital to ensuring a peaceful world where all people have the right to live with dignity, freedom, safety, security and prosperity.

Labor has been a strong advocate for human rights and civil liberties on the international stage, and we will continue to pursue effective human rights diplomacy that supports international and regional security in Australia's national interest.

The Australian Labor Party was founded on the principles of fairness and inclusion. Since Federation, Labor has worked to build a society in which everyone has the opportunity to participate fully in the economic, political and social life of our nation. It is Labor's firm belief that a nation that respects fundamental human rights is a nation that is safer, more resilient, more prosperous and more stable.

When Labor was last in office, we established a set of polices called Australia's Human Rights Framework. Pursuant to this Framework, a Parliamentary Joint Committee on Human Rights was established by statute, charged with responsibility to scrutinise legislation for compliance with human rights standards, as set out in the human rights treaties to which Australia is a party. In addition, under the Framework Labor mandated that all new legislation introduced to the

Parliament be accompanied by a statement of compatibility with human rights. These important measures remain in place today, despite suggestions from some in the Morrison Government that they be torn down.

The Australian Labor Party will continue to review the Human Rights Framework that we established in order to ensure that the human rights and freedoms, that we hold dear as a nation, are properly protected.

Labor has advocated strongly for the implementation of Magnitsky-style legislation in Australia, and it was finally passed late 2021 after ongoing sustained pressure from Labor. The delay by the Morrison-Joyce Government in introducing Magnitsky-style legislation is regrettable, but it is now finally in place and provides a vital tool to send a strong message to those that continue to commit human rights violations around the world.

Area: Refuges and Immigration

Labor believes Australia can have secure borders while being compassionate.

Seeking asylum is a human right that provides persecuted and vulnerable people a route to safety and long-term security to live to their fullest human potential.

Regional offshore processing was never meant to be indefinite detention. For almost a decade, this tired Liberal Government has made regional processing an ongoing form of cruelty, with people left to languish for years without a durable solution.

People on Nauru and PNG would most likely all have a durable solution by now, had this Liberal Government not refused to take up the resettlement agreement struck by Julia Gilliard and the then New Zealand Prime Minister John Key.

For almost a decade, Labor has called on Mr Morrison to act – but only on the eve of an election does he decide to take up the New Zealand offer.

At the recent ALP National Conference, we reconfirmed our commitment to:

- Increase our refugee intake to 27,000.
- Set up a community sponsorship program similar to the successful Canadian model, with an additional 5,000 places.
- Convert temporary protection visa holders to permanent protection visas.
- Accept and deliver the New Zealand resettlement offer.
- Support regional resettlement through the UNHCR.

An Albanese Labor Government will maintain our strong border security measures without losing our humanity.

- ***Afghanistan***

Labor is deeply concerned about the ongoing humanitarian crisis in Afghanistan.

It has been devastating for the people of Afghanistan, for Afghan-Australians fearful for their loved ones' safety, for the Afghan staff that supported our military and diplomatic operations for over 20 years, and for our own veterans.

In failing to assist those Afghans and Afghan-Australians owed support by Australia ahead of military withdrawal, the Morrison-Joyce Government left too many behind in their time of greatest need.

Prior to Australia's withdrawal from Afghanistan, the Morrison-Joyce Government was far too slow to act on a range of migration and visa issues and allowed wait times for visas to build. We may never know the full, tragic consequences of this inaction.

Labor remains concerned that the Morrison-Joyce Government has not given assurances to Afghans in Australia that no one will be returned to Afghanistan. This is a simple step that would go a long way.

Labor is worried about the impact Temporary Protection Visas and Safe Haven Enterprise Visas are having on Afghan refugees here in Australia. These are people that will never be able to return to Afghanistan but their lives in Australia will remain temporary – unless the Government intervenes. These are people already in Australia right now – they are living in our community, they work here, pay taxes, create jobs, and employ Australians.

Labor continues to call on the Morrison-Joyce Government to work with Afghanistan's neighbours to ensure safe passage for those seeking refuge. Australia must share how it is working with international partners and organisations to provide humanitarian assistance to the people of Afghanistan – wherever they are in the world.

- ***China and Myanmar***

Labor has been a strong advocate for human rights and civil liberties on the international stage, and we will continue to pursue effective human rights diplomacy that supports international and regional security in Australia's national interest.

We will speak out clearly and consistently in support of human rights around the world, including in our region.

We have called for unfettered access for the United Nations to Xinjiang and use all bilateral and multilateral forums to urge the Chinese Government to uphold its international human rights obligations.

And we have called on the Government to strengthen Australia’s Modern Slavery regime to address forced labour around the world including in Xinjiang, and consider targeted sanctions on foreign companies, officials and other entities known to be directly profiting from Uyghur forced labour and other human rights abuses.

Labor has advocated strongly for the implementation of Magnitsky-style legislation in Australia, and it was finally passed late 2021 after ongoing sustained pressure from Labor. The delay by the Morrison-Joyce Government in introducing Magnitsky-style legislation is regrettable, but it is now finally in place and provides a vital tool to send a strong message to those that continue to commit human rights violations around the world.

Labor has repeatedly called on the Morrison-Joyce Government to implement targeted sanctions against those responsible for the Myanmar military coup and subsequent violent crackdown – but it has refused to act.

This is despite the Government-chaired Joint Standing Committee on Foreign Affairs and Trade recommending sanctions against the Tatmadaw in June 2021 and, in August, the Joint Standing Committee on Treaties embarrassingly having to remind the Morrison-Joyce Government once again of the need to act.

The Morrison-Joyce Government’s refusal to act over the past year sends precisely the wrong message - that Australia does not care and that we are mere bystanders to authoritarian backsliding in our region.

Labor stands in solidarity with the people of Myanmar and with Myanmar communities in Australia.

- ***Palestine***

Labor has long supported and continues to support, an enduring and just two-state solution to the Israeli–Palestinian conflict based on the right of Israel to live in peace within secure borders internationally recognised and agreed by the parties, and reflecting the legitimate aspirations of the Palestinian people to also live in peace and security within their own state. Labor will continue to call on both sides of the conflict to refrain from any actions that hamper peaceful outcomes for both the Israeli and Palestinian people.

- ***Ukraine***

Labor is gravely concerned about the unfolding crisis and the long-term consequences of the conflict.

All Australians stand with the people of Ukraine and are united in condemnation of Russia's shameful act of aggression. The attack is wholly unprovoked and without justification. Russia alone is the aggressor, and Russia alone bears responsibility for the bloodshed and suffering that is occurring.

As US President Biden has said, the world is ready to respond with unity, clarity, and conviction. Australia must stand united with our allies in holding Russia to account.

This is not just an attack on Ukraine, it is also a contemptuous attack on one of the core principles of the post-World War II order. Russia as a member of the United Nations Security Council has a special responsibility to defend the principle that all UN members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

Labor recognises that the invasion has been devastating for the people of Ukraine and those Ukrainian-Australians fearful for the safety of their loved ones.

We have heard horrific stories about Russia's deliberate attacks against civilian centres and the urgent needs of refugees escaping the country.

Australia must stand with Ukraine during its time of need. Labor welcomes that Ukrainians arriving in Australia will be eligible for temporary humanitarian visas, enabling access to Medicare, work and study. We also call on Government to implement a streamlined humanitarian process.

Australia should offer proactive support and clear advice that gives assurance to Ukrainians, Ukrainian-Australians, their families, friends and the Ukrainian-Australian community.

The Morrison-Joyce Government has not used its full refugee quota in recent years, leaving thousands of places unfilled. Given the significance of the humanitarian crisis in Ukraine, as well as Afghanistan and other regions around the world, Labor calls on Government to meet its humanitarian intake in full.

Further, Labor calls on the Morrison-Joyce Government to expel Russian diplomats to underline the diplomatic costs of Russia's actions. EU countries, including France, Germany and Italy have taken steps to expel 206 Russian diplomats and staff – while allowing Ambassadors to remain in most cases. Australia should follow suit.

The mass killing of innocent civilians and the use of rape as a weapon of war can only be described as war crimes. Those responsible must be held to account – and in the first instance there must be immediate diplomatic consequences.

Labor supports all efforts to ensure these crimes are thoroughly investigated and prosecuted through the International Criminal Court process, including the provision of Australian experts to assist the investigation.