

P.O. Box 4278
Sydney NSW 2001
Tel: +61-2-8925-5700
Email: ausoffice@hrw.org

ASIA DIVISION

Elaine Pearson, *Executive Director (Acting)*
Kanae Doi, *Japan Director*
Meenakshi Ganguly, *South Asia Director*
Sophie Richardson, *China Director*
Phil Robertson, *Deputy Director*
John Sifton, *Advocacy Director*
Patricia Gossman, *Associate Director*
Saroor Ijaz, *Senior Counsel*
Linda Lakhdhir, *Legal Advisor*
Jayshree Bajoria, *Senior Researcher*
Carlos H. Conde, *Senior Researcher*
Andreas Harsono, *Senior Researcher*
Sunai Phasuk, *Senior Researcher*
Maya Wang, *Senior Researcher*
Yaqui Wang, *Senior Researcher*
Lina Yoon, *Senior Researcher*
Manny Maung, *Researcher*
Sophie McNeill, *Researcher*
Shayna Bauchner, *Assistant Researcher*
Riyo Yoshioka, *Senior Program Officer*
Teppei Kasai, *Program Officer*
Nicole Tooby, *Program Officer*
Racquel Legerwood, *Senior Coordinator*
Jody Chen, *Associate*
Audrey Gregg, *Associate*
Robbie Newton, *Associate*

ADVISORY COMMITTEE

David Lakhdhir, *Chair*
Orville Schell, *Vice-Chair*
Maureen Aung-Thwin
Edward J. Baker
Robert L. Bernstein
Jerome Cohen
John Despres
Mallika Dutt
Kek Galabru
Merle Goldman
Jonathan Hecht
Sharon Hom
Rounaq Jahan
Ayesha Jalal
Robert James
Joanne Leedom-Ackerman
Perry Link
Krishen Mehta
Andrew J. Nathan
Xiao Qiang
Bruce Rabb
Balakrishnan Rajagopal
Ahmed Rashid
Victoria Riskin
James Scott
Mark Sidel
Eric Stover
Ko-Yung Tung
Francesc Vendrell
Tuong Vu

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*

Tirana Hassan, *DED/Chief Programs Officer*
Wisla Heneghan, *DED/Chief Operating Officer*

Laura Boardman, *Chief Development Officer (Acting)*
Lauren Camilli, *General Counsel*
Mei Fong, *Chief Communications Officer*
Colin Mincy, *Chief People Officer*
James Powell, *Chief Technology Officer*
James Ross, *Legal and Policy Director*
Bruno Stagno Ugarte, *Chief Advocacy Officer*

June 7, 2022

Anthony Albanese MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Re: Protecting Human Rights in Australia's Domestic and Foreign Policy

Dear Prime Minister Albanese,

Congratulations on your appointment as prime minister.

Human Rights Watch looks forward to working with you to make the protection of human rights a strong pillar of Australia's domestic and foreign policy.

We are writing to outline key domestic human rights concerns in Australia, including climate change policy, criminal justice, and refugees and asylum seekers.

We also present some overarching recommendations for Australia's foreign policy, where we believe the right mix of pressure and engagement from Australia could make a significant difference in promoting respect for human rights.

Domestic Human Rights Priorities

Climate Change Policy

While we welcome your pledge to make Australia a "renewable energy superpower," we are concerned that you are supporting opening new fossil fuel projects in Australia. A recent Intergovernmental Panel on Climate Change report [states](#) that existing and currently planned fossil fuel projects are already more than the climate can withstand, and set the world on course for climate breakdown and the devastating impacts of reaching [2°C of warming](#). In 2021, the International Energy Agency [said](#) if governments are serious about the climate crisis, there could be no new investments in oil, gas, and coal from the beginning of 2022. We ask you to take urgent steps to effectively regulate corporations' greenhouse gas emissions, cease subsidizing fossil fuels, and end support for new oil, gas, and coal projects. We also encourage you to set an ambitious new Nationally Determined Contribution that aligns emissions reduction targets with the imperative to keep the increase of global average temperature no higher than 1.5°C above pre-industrial levels, as needed to prevent the worst human rights outcomes of climate change.

HUMAN
RIGHTS
WATCH

HRW.org

Raising the Age of Criminal Responsibility

We share your [concern](#) that the current age of criminal responsibility in Australia is currently too low. We urge you to prioritize a review into this issue, and to work closely with the states and territories to raise the age of criminal responsibility from 10 to 14 years old across the country.

Address the Disproportionate Numbers of First Nations People in Australian Prisons

We share your [concern](#) at the over-incarceration of First Nations children, who are [17 times more likely](#) to be imprisoned than non-Indigenous children, and we welcome your commitment to expand justice reinvestment initiatives that address the drivers of children's contact with the criminal legal system. We urge you to [fully implement](#) recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody. We call on you to ensure that imprisonment is only used as a penalty of last resort, that general and mental health services in prisons are gender sensitive as well as culturally appropriate and to end solitary confinement for people with disabilities.

Fully Implement Optional Protocol on Torture

In 2017, Australia [committed](#) to embed a coordinated and independent inspection system for all places of detention through ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Four years on, Australia has [failed](#) to implement it. We urge you to fully implement OPCAT as soon as possible, to ensure regular visits by independent international and domestic bodies to all places of detention, to identify and prevent human rights violations before they occur.

Refugees and Asylum Seekers

We welcome your [commitment](#) to support regional resettlement efforts through the United Nations High Commissioner for Refugees (UNHCR) and to end temporary protection visas for asylum seekers. We urge you to end offshore processing and transfer all those remaining in Papua New Guinea and Nauru to Australia or safe and appropriate third countries. We ask you to end indefinite and arbitrary immigration detention of refugees and asylum seekers. We call on you to end the blanket "turn back the boats" policy, which is neither humane nor in conformity with international law. We urge you to provide [alternatives to immigration detention](#) that are focused on the immediate needs of refugees and non-citizens. Such measures would help bring Australia in line with its international legal obligations and best practice in relation to immigration detention.

Foreign Policy Human Rights Priorities

Afghanistan

We recommend your government take action to adequately [compensate victims](#) of abuses by Australian special forces in Afghanistan. A key recommendation of the [Brereton report](#) was that the Australian government provide redress to the families of victims, without waiting for prosecutions to conclude. We also urge you to increase the number of humanitarian visas for Afghans and to prioritize family reunions.

China

We welcome your [statement](#) that “a future Labor Government will ensure that Australia stands up for human rights in China and work with the international community to hold China to account for its international commitments.” We encourage you to call on the UN high commissioner for human rights to immediately release her long-delayed report on Xinjiang. Your government should impose targeted sanctions against Chinese government officials who are responsible for crimes against humanity against Uyghurs and other Turkic peoples in Xinjiang. We urge you to uphold your [pledge](#) to strengthen Australia’s Modern Slavery regime to address forced labor around the world including in Xinjiang, and consider targeted sanctions on foreign companies, officials, and other entities known to be directly profiting from forced labor and other human rights abuses. To strengthen rule of law, transparency, and accountability in the Asia-Pacific in the face of China’s growing influence, we urge you to reinvest in development aid especially strengthening civil society and independent journalists across the region. We ask you to publicly increase your support for UN human rights mechanisms to withstand growing Chinese government encroachment.

Israel and Palestine

Over the last two years, a range of institutions, including Human Rights Watch, Amnesty International, and a UN special rapporteur, have released comprehensive reports finding that Israeli authorities are committing the crimes against humanity of apartheid and persecution against millions of Palestinians. Other voices, including a former UN secretary-general, the foreign ministers of South Africa, Namibia, Luxembourg, and France, and representatives of the African Union and the Organization of Islamic Conference, have also referenced apartheid in relation to Israel’s treatment of Palestinians. We call on your government to publicly recognize that Israeli authorities are committing the crimes against humanity of apartheid and persecution.

Indonesia

We welcome your [commitment](#) to “pursue effective human rights diplomacy at every appropriate opportunity.” We call on you to publicly and privately raise cases of abuse by security forces in Papua and West Papua with President Joko Widodo and make clear that future military and police cooperation is dependent upon adequate investigations and prosecutions of credible accusations of serious crimes. We ask that you publicly call for access to Papua for foreign journalists and UN monitors. We recommend that you urge Indonesia to amend or repeal discriminatory regulations on religious affairs that discriminate against women, girls, and LGBT individuals. In pursuing bilateral arrangements to combat people smuggling, we ask that you ensure that the rights of individuals to seek asylum and be free from arbitrary detention are respected, and that children’s rights are protected.

India

With Australia’s growing trade and political ties with India, there has been a reluctance by Australian officials to condemn the Modi government’s [crackdown](#) on civil society and the media including the prosecution of activists, journalists, peaceful protesters, and other critics on fabricated counterterrorism and sedition charges. This “quiet diplomacy” approach has simply emboldened the Indian government to widen its repression. We urge you to highlight your concerns at the erosion of the rule of law and the adoption of laws and policies that [discriminate](#) against religious minorities, especially Muslims.

Lebanon

We note your [support](#) for an independent, impartial, and transparent investigation into the 2021 explosion at Beirut Port that killed at least 220 people, including a 2-year old Australian. Yet, almost two years since, no one has been held accountable and the domestic investigation has stalled. We urge you to take the lead in supporting the Lebanese public and victims' families demands for truth and accountability by sponsoring a resolution at the UN Human Rights Council establishing an international, independent, and impartial investigation into the Beirut Blast. As a first step, it would be very encouraging to see Australia lead on a joint statement at the upcoming Human Rights Council session in June on the culture of impunity in Lebanon, as a building block towards a resolution during the September session.

Myanmar

We share [your concern](#) that Australia has not so far imposed new targeted sanctions on senior military leaders in Myanmar responsible for human rights violations following the February 2021 coup. We urge that you immediately impose targeted sanctions against senior officials in the Myanmar military responsible for abuses and against military-linked companies and other entities. A February 2022 [joint letter](#) to then Foreign Minister Marise Payne signed by six nongovernmental organizations including Human Rights Watch lists individuals and entities who should face sanctions. Acting on this list should serve as a starting point for the Australian government to harmonize its position on Myanmar with like-minded governments. We urge you to press for the release of political prisoners including Australian Sean Turnell, and to convince Southeast Asian governments to develop a clear, timebound approach to press Myanmar's junta toward reform, including increasing restrictions on its foreign currency revenues and weapons purchases.

Philippines

We share [your belief](#) in the importance of seeking an end to extrajudicial killings and ensuring those accused of crimes are dealt with fairly by the criminal justice system in the Philippines. We ask you to highlight the importance of accountability to the new government of the Philippines and urge the authorities to investigate and prosecute police and other law enforcement officials implicated in extrajudicial killings of drug suspects. Your government should press the incoming government of Ferdinand Marcos Jr. to end the “[red-tagging](#)” of activists as rebels or supporters of the communist insurgency – a pernicious practice that targets people who often end up being harassed or even killed. Australia should urge the government to immediately drop charges and [release](#) Senator Leila de Lima.

Sri Lanka

In May, Sri Lankan government supporters [attacked](#) peaceful anti-government protest sites. Your government should call on the Sri Lankan government to uphold the right to peaceful protest, ensure that the security force response to public disorder is proportionate and rejects unnecessary or excessive use of force, and to promptly investigate and appropriately prosecute acts of violence. It is also important to recall the deep [structural problems](#) that have led Sri Lanka to this point, and promote a process that addresses them. We urge you to call for accountability for past grave rights violations and war crimes, including by supporting the renewal of UN Human Rights Council resolution 46/1 in September. Your government should also press for an end to abuses under Sri Lanka's Prevention of Terrorism Act, recent amendments to which were inadequate, and for a credible investigation into the 2019 Easter Sunday bombings.

Syria

There are 80 Australian men, women, and children that continue to be arbitrarily and indefinitely held in life threatening conditions in prisons and camps in [northeast Syria](#) as Islamic State suspects and family members. We urge you, as a matter of urgent priority, to take responsibility for these Australian citizens, creating a pathway for their return and rehabilitation and, as appropriate, criminal investigations and prosecutions.

Thailand

We note Senator Wong's recent [comments](#) on the importance of Southeast Asia. Longstanding and deep connections with Thailand should allow Australia to candidly raise concerns about ongoing repression of fundamental rights in the country. In particular, the Australian government should urge Thai authorities to immediately drop charges and release pro-democracy activists [detained](#) for *lese majeste* (insulting the monarchy). Your government should expressly oppose the Thai government's [proposed draft law](#) that would severely restrict nongovernmental organizations in violation of the rights to freedom of association and expression.

Vietnam

The Australian government should use its influence to press [Vietnam](#) to end its systemic suppression of fundamental civil and political rights, including freedom of expression, [movement](#), association, peaceful assembly, and religion and belief. Australia should also press the government of Vietnam to revise its problematic cybersecurity law, and immediately release all [political prisoners](#), including Australian citizen [Chau Van Kham](#).

We look forward to meeting you in person at your convenience to discuss these ideas further.

Sincerely,



Elaine Pearson
Acting Asia Director



Sophie McNeill
Australia Researcher

CC:

Senator Penny Wong, Minister for Foreign Affairs
Linda Burney MP, Minister for Indigenous Australians
Andrew Giles MP, Minister for Immigration, Citizenship and Multicultural Affairs
Clare O'Neil MP, Minister for Home Affairs
Tanya Plibersek MP, Minister for the Environment and Water
Chris Bowen MP, Minister for Climate Change and Energy
Mark Dreyfus MP, Attorney-General
Kathryn Campbell, Secretary of the Department of Foreign Affairs and Trade