

HRW Questionnaire: Andrew Wilkie MP - Independent Member for Denison

1. *What changes, if any, should be made to Australia's laws covering the rights of journalists, whistleblowers, and activists to speak out on matters of public interest?*

The history of my blowing the whistle on the Iraq War when I worked at the Office of National Assessments is well known. Since then, and since being elected to Parliament in 2010, I have been a strong advocate for improved whistleblower protection. I have introduced legislation twice that would provide more protection for whistleblowers and my *Evidence Amendment (Journalists' Privilege) Bill 2010* was only the 18th Private Member's Bill to pass both Houses of Parliament since Federation. But more needs to be done.

The current federal public interest disclosure framework is seriously flawed. It fails to encourage and facilitate in many material ways the disclosure of corruption and wrongdoing in the public service. Its definitions and provisions are ambiguous, obscure and restrictive, and it excludes or impedes several classes of potential whistleblowers including those employed as intelligence officers, parliamentarians and parliamentary staff.

I have also been outspoken about how recent national security laws, and laws that restrict the rights of activists and protestors mean that Australia has become a pre-police state.

2. *Should Australia permit gay and lesbian couples to marry? Why or why not?*

Yes. The legislated discrimination in the Marriage Act should be fixed to allow same-sex couples to marry.

3. *What would you do address the disproportionate incarceration of Indigenous people in Australian prisons and jails?*

For a start, Australia needs to follow in the steps of some states and territories and implement national targets to reduce rates of Indigenous incarceration. The Government also needs to work constructively with Indigenous communities to address societal problems and needs to re-fund vital organisations such as the Aboriginal Legal Service. Australia also must finally implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I have raised the issue of Indigenous incarceration with the Government and will continue to speak up where possible.

4. *What changes would you make, if any, to Australia's laws, policies and practices regarding irregular migrants and asylum seekers?*

Australia should give protection to people genuinely fleeing persecution. Any credible policy must be regional, fully sanctioned by the United Nations and address issues in source countries, countries of first asylum and transit countries. Cruel Labor and Liberal policies such as mandatory detention, offshore processing and towbacks must be overturned. I have asked the International Criminal Court to consider whether the Australian Government's policy constitutes crimes against humanity.

5. *What should be done about the situation of refugees and people seeking asylum who are being held on Manus and Nauru?*

Australia's offshore processing centres must be immediately closed, all people housed within brought to Australia, and their claims processed as soon as possible. If they are found to be genuine refugees, they must be allowed to stay permanently in the Australian community.

6. *Should Australia work towards ending the use of the death penalty in Asia? How?*

The fact that other countries still think it's okay to execute people is a shocking abuse of the power of the state, deeply unethical and entirely fruitless as a deterrent to crime. Australia must lead the charge

and put whatever public and private pressure it can on countries in the Asia-Pacific region to end the death penalty.

7. *How can Australia improve the human rights of people in countries with poor rights records with whom Australia is seeking closer commercial and other ties?*

Australia has the opportunity to be a world leader on human rights and our commercial and diplomatic relationships with other countries is an ideal way to do that. But we must start by setting a good example for the rest of the world. So we need to stop imprisoning people who come to our shores seeking asylum and lift our humanitarian intake. And we need to address our indigenous incarceration rates which are far too high.

8. *Australia has established ongoing “human rights dialogues” with China, Vietnam, and Laos. How will you make these dialogues more effective in promoting the human rights of the people in those countries?*

I don't have a direct role in contributing to human rights dialogues as I'm not part of the Government. But any human rights discussion with China, Vietnam and Laos should focus on serious issues of concerns such as draconian national security laws, limitations of freedom of speech and of the press, and harsh treatment of political prisoners. I have always been outspoken on Australian foreign and security policy and will continue to apply pressure on the Government where possible.

9. *What role is there for public – as opposed to private or “quiet” – diplomacy in promoting human rights abroad?*

There is a role for both public and private diplomacy. Public diplomacy is often necessary to achieve certain outcomes, especially when other countries are recalcitrant towards reform and it's only global public pressure that might influence them.

10. *What should Australia do to address the growing crackdown on human rights in China?*

The fact that China is important to Australia's economy doesn't mean that China should get off lightly when it comes to human rights issues. Indeed the reality is quite the opposite – the significant bilateral economic relationship keeps us noticed in Beijing and more influential than we might otherwise be. Australia needs to take a hard line when it comes to addressing human rights in China, including their freedom of expression laws, use of the death penalty, and treatment of prisoners.

11. *On your first visit to Indonesia, what human rights issues will you raise with Indonesian officials?*

I'm not part of the Government so there won't be an opportunity for me to make an official visit to Indonesia as a representative of the Government. But issues that should be raised include the death penalty and the overuse of force by police and the military. If ever I should visit Indonesia on a parliamentary delegation I will be sure to raise these issues.

12. *Rape and other violence against women and girls is common in Papua New Guinea and other countries in the region. What can Australia do through its aid program or other means to reduce violence against women?*

For a start, Australia can boost its foreign aid to at least 0.7% of gross national income, as per the Millennium Development Goals, which would mean that we could spend more in our region. Reducing violence against women should be one of the key priorities of our aid program. Investing in education for young women has proved to reduce violence, as well as programs that influence men and boys to behave better. Our foreign aid program must also continue to invest in services that provide women with counselling, legal and other assistance.