



26 May 2016

Georgia Bright
Australia Associate
Human Rights Watch
GPO Box 4278
Sydney, NSW 2001

Dear Georgia,

Thank you for your correspondence regarding current human rights issues of particular concern in Australia.

Labor acknowledges the work of Human Rights Watch in promoting human rights and justice in Australia and around the world.

Thank you for the opportunity to address these important issues.

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?

Governments should be listening to alternative voices, not seeking to silence them.

Since being elected in 2013, the Liberals have cut funding to community groups and legal services, attempted to gag advocates and cut off their access to the courts. Without appropriate resourcing, these groups are left unable to fight the Abbott-Turnbull Government's cuts which are impacting the people they represent.

The 2014 Budget cut \$6 million from community legal centres, along with \$15 million from legal aid commissions and \$43 million from advocacy services. People who cannot afford a private lawyer are increasingly being denied access to the legal representation to which they are entitled, and the centres cannot afford to campaign to protect the people they represent.

Labor, when in government, introduced the Not-for-profit Sector Freedom to Advocate Bill, which invalidated clauses in Commonwealth agreements with not-for-profit sector providers that restricted or prevented not-for-profit entities from advocating on Commonwealth law, policy or actions.

The Abbott-Turnbull Government has trampled on these important Freedom to Advocate laws.

As a way to avoid being held to account on their environmental record, the Abbott-Turnbull Government made the decision to defund environmental defenders' offices (EDOs). The

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

EDOs of Australia consist of nine specialist community legal centres dedicated to public interest environmental law.

Labor is well aware of the important role of EDOs and the appalling cuts inflicted on these important offices by the Abbott-Turnbull Government. Labor, when in office, provided significant funding to EDOs in 2013.

The Abbott-Turnbull Government also introduced the Environment Protection and Biodiversity Conservation Amendment (Standing) Bill in 2015 to silence the voice of the community on environmental matters. This Bill lapsed when Parliament was prorogued on 15 April 2016. This Bill, if had been passed into law, would have undermined the integrity of our environment protection laws. Labor opposed and will continue to oppose this Bill.

Labor, when in office, initiated historic public interest disclosure legislation to provide the most comprehensive protection regime for public sector whistleblowers in Australia.

The public has the right to know the truth, the media has the right to publish the truth, and whistleblowers deserve protection for exposing the truth. These are principles Labor will stand up for.

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

A Shorten Labor Government will legislate for marriage equality within the first 100 days of the next Parliament. Marriage equality is a simple, overdue change to Australian law our Parliament could deal with in one day of considered debate culminating in a free vote.

Since the campaign to decriminalise homosexuality, to the present day, Labor governments have consistently been at the forefront of removing discrimination and fighting for the equal rights of LGBTI Australians.

Labor opposes Malcolm Turnbull's \$160 million dangerous and divisive plebiscite on marriage equality. A plebiscite could act as a lightning rod for the very worst of the prejudice so many LGBTI Australians endure. Malcolm Turnbull's plebiscite will give a taxpayer-funded platform and a megaphone to the very worst forms of hateful abuse which will only add to the burden too many Australians have to bear.

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

A Shorten Labor Government will deliver a nationally coordinated approach to close the gap in Indigenous incarceration and victimisation rates. These rates have reached a crisis point.

Labor will apply leadership and innovation to address the justice gap – through community-driven and national strategies that empower communities to address the complex causes of incarceration and crime.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

The first meeting of the Council of Australian Governments (COAG) convened under a Shorten Labor Government will consider priorities for justice targets to be included under the Closing the Gap framework that build safer communities and address levels of Indigenous incarceration. Following this meeting, COAG will establish a working group of State, Territory and local government agencies, as well as key community organisations, to develop measurable targets that address rising incarceration rates and build safer communities. This will focus national attention on closing the gap in these areas, alongside and complementing existing targets in education, employment, the early years, life expectancy and mortality.

Labor will establish three new launch sites in a major city, regional town and remote community that build on existing community-led initiatives to explore the role of justice reinvestment in preventing crime and reducing incarceration. These sites will be identified by working with State and Territory governments, as there are currently justice reinvestment initiatives at various stages of development across Australia.

Labor will resource a long-term study of the effectiveness of the justice reinvestment project currently underway in Bourke, New South Wales, to see what Australia can learn from this specific initiative.

Labor understands the need for a strong evidentiary base, to understand what is working and inform future policy. Through COAG, Labor will establish a national coordinating body to build the evidentiary base, collect data and measure progress as the new targets are implemented, and to monitor the effectiveness of justice reinvestment in the Australian context.

Labor first committed to a justice target at the 2013 election, recognising that a nationally coordinated approach was needed to reduce incarceration and victimisation rates among Indigenous people.

In contrast, in November 2014, the Abbott-Turnbull Government announced it would not implement a justice target, despite offering bipartisan support for a justice target in 2013. Meanwhile, incarceration and victimisation rates have increased.

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

The issue of those seeking asylum in Australia is very complex. According to the United Nations High Commissioner for Refugees (UNHCR), the number of displaced people fleeing from war, conflict or persecution and looking for a better future in other countries is the highest since World War II. An estimated 60 million individuals have been forced to flee their homes due to persecution, conflict, violence and human rights violations.

Labor believes that Australia can do more to address this global humanitarian crisis. Labor believes in a compassionate approach to asylum seekers which enables refugees to progress their claims safely and securely.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

In the almost three years since the last federal election, it has become abundantly clear that the combination of offshore processing and regional resettlement, together with the policy of turning back boats, has stopped the flow of vessels arriving on our shores. None of these strategies could have succeeded in isolation but together they have ended a human tragedy. Provided it can be done so safely, a Shorten Labor Government will retain the option of turning boats around. This is a difficult decision but one which will save hundreds, ultimately thousands, of lives.

Labor understands this is an option that can be hard for some people to accept. But this journey was characterised by the people smugglers who made huge profits with the tragic result that 1,200 people drowned on our border. Labor cannot and will not allow this human tragedy to unfold ever again.

Labor's policy is focussed on Australia playing a greater role in the world with respect to asylum seekers and ensuring that we play our part in reducing the sum of global human misery.

A Shorten Labor Government will:

- Provide \$450 million over three years to support the UNHCR for its global work program and its work in South East Asia and the Pacific.
- Take a leadership role within South East Asia and the Pacific to build a regional humanitarian framework to improve the situation of asylum seekers.
- Empower the Commonwealth Ombudsman to provide independent oversight of Australia's onshore detention network, ensuring that those working in the immigration system enjoy the benefit of whistleblower protections.
- Appoint an Independent Children's Advocate to protect the interests of children within the immigration detention system, backed by resources and statutory powers necessary to pursue the best interests of those children, including the power to bring court proceedings on a child's behalf.
- Restore fast and fair processing of asylum claims for those people already living in Australia.
- Reinstate access to the Refugee Review Tribunal and abolish the Independent Assessment Authority established by the Abbott-Turnbull Government.
- Abolish Temporary Protection visas, which keep people in a permanent state of limbo, and place those found to be genuine refugees on Permanent Protection visas.
- Reintroduce the "90-day rule" into the Migration Act.

A Shorten Labor Government will focus on removing people from detention as soon as possible, in particular children and their families.

This package will enable Australia to play the largest role it ever has in tackling the refugee crisis facing the world.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

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

Labor does not believe offshore facilities should be run as punitive holding cells. They need to be humane and offer people seeking safety exactly that. Fast and efficient processing should occur so that claims for protection can be determined quickly and fairly.

Labor will implement independent oversight of Australian-funded processing facilities.

Labor will seek the agreement of the Governments of Papua New Guinea and Nauru to establish bilateral mechanisms (comprising officials of each relevant jurisdiction) to support the independent oversight of the Australian-funded offshore facilities. It will be important that this function be undertaken in a cooperative way to strengthen bilateral relations.

Labor will empower the Commonwealth Ombudsman to provide independent oversight of Australia's onshore detention network.

Labor will continue to ensure that those working in the immigration system enjoy the benefit of whistleblower protections to speak out about maladministration and corruption.

A Shorten Labor Government will work with our regional neighbours to find lasting resettlement options.

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

Labor opposes the death penalty regardless of where an offence occurs.

Australia has ratified the Second Optional Protocol to the Covenant on Civil and Political Rights which is aimed at eliminating the death penalty.

A Shorten Labor Government will:

- Strongly and clearly state our opposition to the death penalty, whenever and wherever it arises.
- Join forces with other nations to push for the universal adoption of a global moratorium on the death penalty.
- Use Australia's aid programs to support civil society organisations campaigning for abolition in countries which retain 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?

Labor is disturbed by human rights abuses wherever they occur.

A Shorten Labor Government will:

- Promote and protect human rights at home and abroad as a vital part of achieving a peaceful and secure world where people can live in freedom and dignity.
- Support stronger international mechanisms and processes for monitoring human rights violations.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

- Continue to raise concerns, privately and publicly, about human rights abuses overseas. Commercial and trading relationships have not prevented Labor speaking out on these issues in the past and will not prevent a Shorten Labor Government from speaking out in the future.

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

Australia should be forthright about human rights violations overseas. Labor will raise these with the governments concerned, including through bilateral representations and formal bilateral human rights dialogues, as well as appropriate multilateral avenues.

Labor considers the promotion of universal human rights to be a core foreign policy objective and we will continue to pursue effective human rights diplomacy at every appropriate opportunity.

In August 2012, the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT), chaired by Labor MP Laurie Ferguson, tabled the report *More than just talk: Australia’s human rights dialogues with China and Vietnam*. The report contained detailed recommendations on improving Australia’s bilateral human rights dialogues.

The last Labor Government responded positively to JSCFADT report, including its recommendation that parliamentarians be invited to participate in bilateral human rights dialogues.

A Shorten Labor Government will build on this record and continue to improve the effectiveness and transparency of these bilateral dialogues, particularly by:

- Increasing the reporting on human rights dialogues in the annual reports of the Department of Foreign Affairs and Trade.
- Developing clear strategies and benchmarks for each dialogue.
- Increasing the human rights training among Australian diplomats and ensuring that all our diplomatic posts undertake human rights monitoring.

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

Labor in government raised concerns, privately and publicly, about human rights abuses in other countries. We will continue to do so.

We believe that private human rights diplomacy can be enhanced by, where appropriate, public diplomacy, advocacy, reporting and condemnation of human rights abuses.

BILL SHORTEN AND LABOR. WE’LL PUT PEOPLE FIRST

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

Labor has raised concerns, privately and publicly, about human rights abuses in China. Our close trading relationship with China will not prevent a Shorten Labor Government from speaking out on these issues in future.

Labor supports people's right to self-determination and a freely expressed and legitimate voice in their government.

A Shorten Labor Government will support stronger international mechanisms and processes for monitoring human rights violations and will encourage the development of regional dialogue on human rights issues in our region.

Labor wants to encourage China's continued emergence as a major constructive influence on regional and global affairs and ensure that Australia is positioned to benefit from China's growth, while preserving our core national interests and adhering to Labor's values.

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

Indonesia is among Australia's most important diplomatic, security and economic relationships, and Labor welcomes Indonesia's emergence as the world's third largest democracy.

A Shorten Labor Government will continue to conduct robust human rights diplomacy with Indonesia. This will include both private and public representations where appropriate.

A Shorten Labor Government will consider the promotion of universal human rights to be a core foreign policy objective and will continue to pursue effective human rights diplomacy at every appropriate opportunity.

As part of this global human rights advocacy, Labor will raise the following, among other issues, with Indonesia and all countries:

- A global moratorium on the death penalty.
- The protection and empowerment of women and girls.
- The rights of religious minorities.
- LGBTI rights.
- Treatment of prisoners.
- Disability and mental health rights.

As a country of first asylum, Labor is committed to working closely and cooperatively to assist Indonesia as well as the many other countries impacted by people movement to ensure the protection and processing of people seeking asylum under the Refugee Convention.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

In addition, a Shorten Labor Government will raise issues relating to human rights in West Papua with our Indonesian counterparts.

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?

A key goal of Labor's aid policy is to empower women and girls and expand women's access to political, economic and social opportunities across the world. Violence and the threat of violence against women and girls is both a violation of the basic right to live in safety and security and a barrier to full political, economic and social participation.

Australia's aid programs have made a real difference to the lives of women in our region. In Papua New Guinea, for example, beginning in 2008, Australian aid has supported specialist police Family and Sexual Violence Units in police stations across Papua New Guinea to provide a designated space where trained officers respond to family and sexual violence cases in an appropriate and sensitive manner.

The last Labor Government committed \$96.4 million over four years to combat violence against women in developing countries, with a particular focus on Asia and the Pacific. In just one year, Australia helped almost 15,000 women survivors of violence access critical services such as emergency shelters, counselling and legal advice. This support was provided through organisations such as the Fiji Women's Crisis Centre, the Vanuatu Women's Centre and the Solomon Islands Family Support Centre.

Unfortunately, since the 2013 election, the Abbott-Turnbull Government has cut the overseas aid budget by \$11.3 billion, turning its back on the world's poorest people and slashing programs that were supporting close neighbours including Timor-Leste, Indonesia, the Philippines and Myanmar. The Liberals have taken Australia to its lowest level of spending on overseas aid as a proportion of gross national income (GNI) since the program began.

A Shorten Labor Government will act immediately to protect overseas aid projects facing closure due to the Liberals' funding cuts.

A \$224 million cut to overseas aid in the Liberals' 2016 Budget will mean critical projects delivering maternal and child health, schooling, clean water and sanitation risk being axed from 30 June this year.

If elected, Labor will reverse the \$224 million cut – to keep these projects going in 2016-17.

A Shorten Labor Government also will commit an extra \$40 million a year as a first step towards reversing the Turnbull Government's brutal cuts to Australia's aid budget:

- \$30 million a year will support Australian NGOs working in developing countries.

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

- \$10 million a year will be devoted to improving aid effectiveness – ensuring we are getting the most from every single dollar spent.

Labor will also restore accountability by reintroducing the annual Ministerial Budget Statement detailing how overseas aid is being allocated by sector, country and region.

Further details of our policies can be read at www.alp.org.au and www.100positivepolicies.org.au

Thank you again for the opportunity to discuss these important issues.

Yours sincerely

ALP Information Services Unit

Australian Labor Campaign Headquarters

www.alp.org.au

BILL SHORTEN AND LABOR. WE'LL PUT PEOPLE FIRST

PO BOX 6222, KINGSTON ACT 2604 ABN 38 318 251 221
T 03 8625 5000, Twitter: @AustralianLabor, facebook.com/LaborConnect, www.alp.org.au

Authorised by G. Wright, Australian Labor Party, 5/9 Sydney Avenue, Barton, ACT, 2600