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The Hon Robert McClelland MP  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

19 March 2008

Dear Attorney-General

Australian Lawyers for Human Rights (ALHR) congratulates you on your appointment as Attorney-General. We are encouraged by some of your early comments around the Charter of Rights consultation reported in December media last year and support your comments on the death penalty during the election campaign.

ALHR is extremely supportive of the recent decision to sign the Optional Protocol to the Convention Against Torture which we confirmed in a media release, and in an [interview](#) on ABC NewsRadio.

### **Who we are**

Australian Lawyers for Human Rights Inc (ALHR) was established in 1993, and incorporated as an association in NSW in 1998 (ABN 76 329 114 323).

ALHR is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 1,300 people, with active National, State and Territory committees.

Through training, information, submissions and networking, ALHR promotes the practice of human rights law in Australia. ALHR has extensive experience and expertise in the principles and practice of international law, and human rights law in Australia.

ALHR is a member of the Australian Forum of Human Rights Organisations. It is a member of the Commonwealth Attorney General's NGO Forum on Human Rights, and the Department for Foreign Affairs Human Rights NGO Consultations.

Issues addressed by ALHR include anti-terrorism laws, refugee and migration issues, proposed reforms of the Human Rights and Equal Opportunity Commission, amendments to anti-discrimination laws, and Australia's National Human Rights Action Plan.

To help lawyers use human rights remedies in their daily legal work, ALHR runs seminars on the use of international human rights standards in daily legal practice, in areas such as family law, tenancy, anti-discrimination, crime, corporations, land and environment, and employment. We have recently commissioned a training package that we hope to roll out to articulated clerks and APS graduate intakes.

### **ALHR priorities**

This letter outlines a number of areas which ALHR considers to be priorities for reform in your new portfolio.

Attached to this letter is a short summary of actions taken by ALHR during the last twelve months that relate to your portfolio, and an agreed list of priority areas for 2008. ALHR submissions and media releases can also be found on our website: [www.alhr.asn.au](http://www.alhr.asn.au).

In summary, our recommendations for reform are as follows:

- ALHR believes that the key to an enduring commitment to maintaining a peaceful and democratic society is the development of a culture of human rights that respects the inherent dignity of all human beings. ALHR is committed to the establishment of a Charter of Rights at the Commonwealth level, which would complement legislative efforts already made in the ACT and Victoria, and which are also under active consideration in WA and Tasmania.
- ALHR congratulates the Rudd Government on its election commitment to initiating a consultation process about how best to promote and protect the rights of Australians, and ALHR's membership of 1300 legal professionals looks forward to contributing to the consultation when announced. We ask the Government to resource a nation-wide celebration of the 60th anniversary of the Universal Declaration of Human Rights in December 2008.
- ALHR believes that Australia should immediately signal acceptance of the UN Declaration on the Rights of Indigenous People 2007 as a priority, and that full implementation of the goals of the Declaration should be achieved by the year 2020.
- ALHR believes that ensuring the wellbeing and realising the rights of indigenous Australians is the most important human rights challenge Australia faces. ALHR supports the 'Close the Gap' Campaign for Indigenous Health Equality as a priority human rights issue (<http://www.closesthegap.com.au/>).
- ALHR welcomes the review of the Northern Territory emergency intervention. The future rights of Indigenous Australians cannot be addressed by the application of racially discriminatory laws.
- ALHR supports the 58-08 campaign to repeal federal laws which discriminate against same-sex couples (<http://www.glr.org.au/58/>). ALHR seeks the eventual recognition of same-sex unions in every State and Territory.
- ALHR supports the full implementation of the UN Convention on Disabilities into Australian domestic law. We would urge the Government to expedite that process so that Australia can be in a position to provide input into the selection of the treaty body.
- ALHR recommends that Australia sign as a matter of urgency the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). Australia needs to ensure equal pay for women, protection from all forms of violence, paid maternity leave and equal political representation for Australian women.

- ALHR welcomes the Rudd Government's policy focus on homelessness and insecure housing in Australia and hopes that the White Paper process will bear fruit. ALHR is anxious that homelessness is seen as a human rights/social exclusion/lack of citizenship rights issue, not just a welfare or charity issue.
- ALHR welcomed the Government's announcement that Australia will sign the Optional Protocol to the Convention against Torture (CAT), and will clarify the criminal sanctions against torture in Australian law.
- ALHR believes that the counter-terrorism laws passed since September 2001 permit significant human rights breaches and need to be reviewed and amended to achieve compliance with our international obligations.
- ALHR welcomed the Government's signing of the Kyoto Protocol, and asks that a full assessment of the human rights impacts of climate change for Australia, including 'climate refugees' from the region, be made a matter of urgent policy review.
- ALHR supports the repeal of mandatory, indefinite detention from the Migration Act, the repeal of the excision regime and the closure of the Christmas Island detention centre. Generally, ALHR believes that immigration matters involving Australia's obligations under the 1951 Refugee Convention should be subject to final clearance by the Office of International Law in your Department.

We would welcome the opportunity to discuss these recommendations and concerns with you and your advisers and to elaborate further on the detail.

Yours sincerely,

Susan Harris Rimmer  
President  
Australian Lawyers for Human Rights

## SUMMARY OF ALHR ACTION BY DATE ORDER

### MEDIA RELEASES

<b>1 March 2008</b>	<b>Australian Government announces will sign Optional Protocol to Convention Against Torture</b>	
	Press release	Civil and Political Rights
	Australian Lawyers for Human Rights today welcomed the Federal Government's announcement to sign the Optional Protocol to the Convention Against Torture.	
	A copy of ALHR's press release is available for download.	
<b>13 February 2008</b>	<b>Apology - ALHR welcomes a new beginning for reconciliation</b>	
	Press release	Indigenous Rights
	Australian Lawyers for Human Rights welcomed the apology to the stolen generations, given by Prime Minister Kevin Rudd in Parliament House today. "ALHR appreciated that the apology was the first item of business for the first sitting of the 42nd Parliament" said Susan Harris Rimmer, Acting President.	
	A copy of ALHR's press release is available for download.	
<b>6 February 2008</b>	<b>Closure of Nauru ends shameful chapter</b>	
	Press release	Refugees
	Australian Lawyers for Human Rights today welcomed reports of the Federal Government's decision to grant permanent protection to the remaining Sri Lankans detained on Nauru since February 2007 .	
	A copy of ALHR's press release is available for download.	
<b>17 July 2007</b>	<b>Australian Govt avoiding Courts on Haneef case</b>	
	Press release	Terrorism
	Australian Lawyers for Human Rights today said that it is an appalling breach of human rights where executive detention and deportation are used to avoid proper scrutiny of government action by the courts.	
	A copy of ALHR's press release is available for download.	
<b>30 March 2007</b>	<b>Australian Govt encouraged to sign UN Disability Rights Convention</b>	
	Press release	Disability
	Australian Lawyers for Human Rights today called on the Australian Government to become a foundation signatory to the UN Disability Rights Convention.	

	A copy of ALHR's press release is available for download.
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<b>20 March 2007</b>	<b>NSW Charter of Rights and Freedoms supported</b>	
	Press release	Bill of Rights
	Australian Lawyers for Human Rights today expressed its support of the decision of the NSW Attorney-General, Bob Debus MP to commence discussions on a NSW Charter of Rights and Freedoms.	
	A copy of ALHR's press release is available for download.	

<b>15 March 2007</b>	<b>Government accused of breaching UN Refugee Convention</b>	
	Press release	Refugees & Migration
	Australian Lawyers for Human Rights today said that the government's policy of sending Sri Lankan asylum-seekers to Nauru is contrary to the UN Refugee Convention.	
	A copy of the news report is available for download.	

<b>1 February 2007</b>	<b>Government powerless to improve Hicks' prison conditions</b>	
	Press release	Terrorism/ War
	Australian Lawyers for Human Rights echoes calls for David Hicks' immediate release from Guantanamo Bay.	
	A copy of ALHR's press release is available for download.	

<b>November 2007</b>	<b>Joint ALHR/AHRC Report on Capabilities and attitudes of Australian human rights NGOs</b>	
	Report	Refugees
	Australian Lawyers for Human Rights and Australian Human Rights Centre released a report authored by Simon Rice AO, former ALHR President, and Dr Scott Calnan. The report is titled "Sustainable Advocacy: Capabilities and attitudes of Australian human rights NGOs".	
	A copy of the report is available for download.	

<b>4 November 2007</b>	<b>Australia in breach of its international human rights obligations regarding Torture</b>	
	Press Release	Civil and Political Rights
	ALHR is part of a coalition who will be meeting on Monday, 5 November 2007 in Geneva with the UN Committee against Torture to give expert evidence regarding Australia's implementation of and compliance with the Convention Against Torture.	
	A copy of the press release is available for download (pdf only).	
<b>Related</b>	For copies of fact sheets, shadow reports and other relevant links, click here.	

<b>links:</b>	
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<b>13 October 2007</b>	<b>ALHR endorses open letter of support published by the Darfur Action Network in The Australian</b>	
	Press Release	Refugees and Migration
	ALHR today endorsed an open letter of support for African Refugee Communities published by the Darfur Australia Network in The Australian.	
	A copy of the letter is available for download (pdf only).	

<b>31 August 2007</b>	<b>ALHR makes submission to WA Consultative Committee on WA Human Rights Act</b>	
	Submission	Bills of Rights
	Australian Lawyers for Human Rights today made a submission to the Western Australia Consultation Committee for a Proposed Human Rights Act .	
	A copy of ALHR's submission is available for download (pdf only).	

<b>17 July 2007</b>	<b>Australian Govt avoiding Courts on Haneef case</b>	
	Press release	Terrorism
	Australian Lawyers for Human Rights today said that it is an appalling breach of human rights where executive detention and deportation are used to avoid proper scrutiny of government action by the courts.	
	A copy of ALHR's press release is available for download.	

<b>10 July 2007</b>	<b>ALHR makes joint submission to Senate Inquiry into the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007</b>	
	Submission	Terrorism
	Australian Lawyers for Human Rights, in conjunction with Dr Ben Saul and Sydney PEN, made a joint submission to the Senate expressing concerns over the Bill's implications for the freedom of expression and its failure to provide a justified and rationaled response to the threat of terrorism.	
	A copy of the submission is available for download.	

<b>26 June 2007</b>	<b>ALHR signs open letter to the Hon. Mal Brough MP</b>	
	Open Letter	Indigenous Affairs
	Australian Lawyers for Human Rights today signed an open letter to the Minister for Families, Community Services and Indigenous Affairs urging the government to look beyond short-term punitive measures and endeavour to work with communities to develop long-term and sustainable solutions.	

	A copy of the letter is available for download.
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<b>5 March 2007</b>	<b>ALHR opposes Access Card Bill in submission to Senate inquiry</b>	
	Submission	Civil & Political Rights - Privacy
	Australian Lawyers for Human Rights, in a submission to a Senate inquiry, expressed grave concern over a range of provisions within the bill which have implications for the individual's right to privacy.	
	A copy of the submission is available for download.	

<b>Related links:</b>	The Senate Committee handed down its report on 15 March 2007.
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<b>26 February 2007</b>	<b>Return of refugees to Sri Lanka dangerous</b>	
	Press release	Refugees
	Australian Lawyers for Human Rights today expressed grave concern that the government was considering an agreement with Sri Lanka and Indonesia to return 83 refugees to Sri Lanka - a country which DFAT regards as highly dangerous.	

	A copy of ALHR's press release is available for download.
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<b>1 February 2007</b>	<b>Government powerless to improve Hicks' prison conditions</b>	
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	Australian Lawyers for Human Rights echoes calls for David Hicks' immediate release from Guantanamo Bay.	
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