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## Media release

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### Abandoning further human rights STILL does not make us safer

Australian Lawyers for Human Rights (**ALHR**) renews its call for a Commonwealth *Human Rights Act* amid fears the Australian Government is once more abandoning vital principles that form the bedrock of our criminal justice system in knee-jerk anti-terror proposals – this time involving extended incarceration without charge, a database of biometric facial recognition of all Australians to be linked to CCTV surveillance in real time, and a new crime of accessing terrorist literature.

ALHR Vice President Kerry Weste said, “We are very concerned that the Prime Minister’s hasty proposals fail to consider the implications for fundamental human rights and rule of law principles such as the presumption of innocence. These proposals are inconsistent with Australia’s obligations under international human rights law. Of especial concern is that the Minister has said that children as young as 10 years of age could be detained for up to 14 days, which amounts to arbitrary detention and would violate Australia’s obligations under the *Convention on the Rights of the Child*, which requires that the best interests of the child be the primary consideration in all actions concerning children.”

“We are urging the Federal and State governments to release the detail of any such proposals as soon as possible and to allow a sufficient period of consultation before any bills are introduced. We also believe the proposed legislation demonstrates yet again how important it is for Australia to have a Commonwealth *Human Rights Act* to protect all Australians from political over-reach.”

“The danger in overly hasty, populist and crude responses to the terrorism threat is a further loss of fundamental rights for all Australians. Any such loss changes our society and the nature of our democracy and in fact represents a victory for terrorism – when we abandon key principles such as “innocence until guilt is proven” and treat every Australian as a possible criminal, then it is us and not the terrorists who will have actually succeeded in damaging our way of life and transforming our society. The Queensland Privacy Commissioner is warning of the dangers of ‘false positives’ resulting in police targeting or even shooting innocent people.”

“These proposals are particularly worrying in the context of the Prime Minister and Commonwealth Attorney General’s previous comments that it may be appropriate to arbitrarily detain a person either in connection with a crime for which they have been acquitted, or based on an assumption that they might commit a crime at some point in the future” says Ms Weste.

“The result will be that the government will be able to arbitrarily detain people without any actual crime being involved. This is a totalitarian regime which one associates with the most dystopian repressive countries, not with a purported democracy like Australia where the ‘fair go’ is meant to apply. Gone are the days when Australia was proud of not mounting mass surveillance and proud that it did not treat its citizens like criminals,” she said.

“Whilst we are yet to see the detail of these proposals we would hope that the Prime Minister and the Attorney General as the nation’s first law officer understand that moving perilously close to a system

which allows arbitrary detention at the discretion of the executive arm of government does not make Australia a safer place. In fact it makes us less safe by threatening the principles that form the fundamental structure of our criminal justice system.”

“We must think about the kind of society we want. Although recent abhorrent incidents of violence instil fear in us all and devastate the families directly involved, the reality is that in Australia we are far more likely to be victims of domestic violence. “

“Indeed as the connection between domestic violence and violent public activities is becoming clearer, it is also becoming obvious that focusing government and police resources on perpetrators of domestic violence would be an evidence-based approach which is likely to be a much more successful tactic in combatting mass shootings or terrorist acts than the government’s current proposals”, says Ms Weste. “An evidence-based approach would also focus on the rehabilitative role and purpose of criminal justice, especially in terms of increased resources for programs aimed at de-radicalisation and the prevention of radicalisation in the first place.”

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*ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.*