

**SUBMISSION**  
**Universal Periodic Review (UPR) of Australia**

**Stakeholders Report**  
**7 July 2020**

**Sisters of St Joseph of the Sacred Heart**  
**Sisters of St Joseph of Lochinvar**  
**Loreto Sisters of Australia and South East Asia**  
**Sisters of Mercy Parramatta**

**Contact Jan Barnett rsj**  
jan.barnett@sosj.org.au  
Phone: +61 4 03 634 534

*We educate, advocate and work for justice, for earth and people,  
especially for those pushed to the edge.*

**SUBMITTING STAKEHOLDERS**

**Sisters of St Joseph of the Sacred Heart rsj**

PO Box 1508 North Sydney

NSW 2019

Phone +61 2 8912 4853

[www.sosj.org.au](http://www.sosj.org.au)

Email: [monica.cavanagh@osjs.org.au](mailto:monica.cavanagh@osjs.org.au)



**Sisters of St Joseph of Lochinvar ssj**

85 Albert St

Warners Bay NSW 2282

Phone: +61 2 4948 4063

[www.ssjl.org.au](http://www.ssjl.org.au)

Email: [office@ssjl.org.au](mailto:office@ssjl.org.au)



**Loreto Sisters of Australia and South-East Asia ibvm**

PO Box 4082

Auburn South VIC 3122

Phone: +61 3 9813 4023

[www.loreto.org.au](http://www.loreto.org.au)

Email: [admin@loreto.org.au](mailto:admin@loreto.org.au)



**Sisters of Mercy Parramatta rsm**

6 Victoria Rd, Parramatta, NSW, 2150

Phone: +61 2 9683 2555

[www.parramattamercy.org.au](http://www.parramattamercy.org.au)

Email: [congregationleader@parrasom.org.au](mailto:congregationleader@parrasom.org.au)



## INTRODUCTION

This submission is presented on behalf of the Congregations of the Sisters of St Joseph of the Sacred Heart, the Sisters of St Joseph of Lochinvar, the Loreto Sisters of Australia and South East Asia, and the Mercy Sisters of Parramatta. The Congregations and our Associates (numbering approximately three and a half thousand women and men) were founded to work with those suffering from poverty and social disadvantage. We educate, advocate and work for justice, for earth and people, and especially for women and children and those pushed to the margins of society.

## BACKGROUND

In the past five years, our Congregations have worked to address many of the issues identified in the Second Universal Periodic Review (2016) as matters needing reform. It is our hope that this submission will contribute to the UN Report when Australia appears before the United Nations Human Rights Council in Geneva for its major four-yearly Human Rights Review in January/February 2021. The Report is the result, both of our work on the ground and our advocacy with government. It endeavours to examine the extent to which Australia is complying with its international human rights obligations under the UN Charter, the Universal Declaration of Human Rights, international treaties and other commitments.

The past five months have been epoch-making for Australia (as indeed they have been for our whole world). The devastating disasters of the bushfires, followed by Covid-19, have left Australians reeling. There is no doubt that the Government acted decisively in dealing with the Coronavirus and has been commended for its leadership. Political leaders took the advice of scientific experts, acted promptly to initiate action, and demonstrated in the resultant strategies that the lives of the majority of citizens were more important than economics.

The Government's response to the environmental pandemic has been the exact reverse of this. The **carbon road map**, promulgated in May 2020 in response to the King Review<sup>1</sup>, disregards totally the science related to the environmental crisis confronting us. In the face of this emergency, the Government is choosing to ignore the clear evidence of experts, to delay action as long as possible, and to cling to the mantra of jobs and economics ahead of lives and the health of the planet. This lack of commitment to its international climate agreements also characterises Australia's failure to implement previous UPR recommendations, and indeed to respect a number of international human rights treaties embodied in these recommendations.

## THIS REVIEW

Six key themes have been identified as being critical for this review. These comprise:

First Nations Peoples  
The Climate Crisis

---

<sup>1</sup> <https://www.industry.gov.au/sites/default/files/2020-05/expert-panel-report-examining-additional-sources-of-low-cost-abatement.pdf>

Asylum Seekers and Refugees  
Human Rights and National Security  
Housing and Homelessness  
Accelerating and Widening Gap between Rich and Poor

## **A. FIRST NATIONS PEOPLES**

Issues related to First Nations Peoples are of major importance to Australia at this time in our history. Most of the questions and proposals raised by the UPR in 2016 continue to preoccupy our leaders, and indeed our whole country. During the 2<sup>nd</sup> UPR of Australia in 2016, more than 40 recommendations related to the rights of Australia's Indigenous peoples were made. The majority of these however have not been realised.

Some initial steps have been taken by political leaders. We acknowledge the Government's promise of a more inclusive approach to First Nations Peoples issues, as well as its appointment of a Minister for Indigenous Australians in its 46<sup>th</sup> Parliament – a Minister who is himself Indigenous.

We affirm also Australia's support for the UN Declaration on the Rights of Indigenous Peoples, which establishes the clear framework of minimum standards for the survival, dignity and well-being of Indigenous Peoples and their fundamental freedoms. The Government's invitation to First Nations peoples in 2015 to engage in a consultation process that could lead to the recognition of Indigenous Australians in the nation's Constitution was welcomed at that time and taken up by first Nations Peoples.

Regrettably, these efforts and strategies have not come to fruition. To date, most of the recommendations of 2016 have not been implemented.

Because of the recalcitrance of the Government, it seems that Australia has been unable to succeed in either:

- its commitment to the minimum standards set by the UN, or
- an appropriate response to the aspirations of First Nations peoples, as outlined in the ***Uluru Statement from the Heart***<sup>2</sup>.

In February 2020, the Report on the ***Closing the Gap*** targets was released. Two of the seven targets have been met (early childhood education attendance and Year 12 attainment), while the other five goals – child mortality rates<sup>3</sup>, literacy and numeracy targets,<sup>4</sup> employment<sup>5</sup> and life expectancy rates – have fallen far short.

Following the release of this Report, a new ***Closing the Gap***<sup>6</sup> framework has been announced to deal with the two major failures of the past five years. It aims to include targets

---

<sup>2</sup> <https://ulurustatement.org/>

<sup>3</sup> In 2018, there were 117 Indigenous child deaths. This was equivalent to a rate<sup>1</sup> of 141 per 100,000—twice the rate for non-Indigenous children (67 per 100,000). This was not within the range required to meet the target (94 per 100,000) Closing the Gap Report 2020

<sup>4</sup> In 2018 about one in four Indigenous children in Years 5, 7 and 9, and one in five in Year 3, remained below national minimum standards in reading. Between 17 to 19 per cent of Indigenous students were below national minimum standards in numeracy. Closing the Gap Report 2020

<sup>5</sup> Between 2008 and 2018–19, the national Indigenous employment rate increased slightly from 48.2 per cent to 49.1 per cent. AS a comparison the employment rate for non-Indigenous Australians over the same period remained relatively stable at around 75 per cent. Closing the Gap Report 2020

<sup>6</sup> <https://ctgreport.niaa.gov.au>

to address the over-representation of Aboriginal and Torres Strait Islander children in both the criminal justice system and out-of-home care. It seeks also to address the Deloitte review of deaths in custody (October 2018), which not only revealed that no more than two-thirds of the landmark Royal Commission's recommendations (1991) have been implemented, but that the rate of Indigenous incarceration has in fact doubled.<sup>7</sup>

Children being removed from families, high rates of domestic and sexual violence, the age criminal responsibility, over-representation in the criminal justice system, deaths in custody, suicide rates in children as young as ten, mental health problems, ignorance of and lack of education of First Peoples culture in the nation's education systems, denial of human rights, the use of a cashless debit card<sup>8</sup>, as well as cultural inappropriateness across other areas, remain major issues for Australia's First Peoples.

A second and fundamental issue of critical importance for First Nations Peoples has been the release of the ***Uluru Statement from the Heart***. This landmark document, as an invitation directed to the Australian people, was specifically developed in response to the Government's invitation to First Nations Peoples to explore options for recognition in the Australian Constitution. Released in 2017, this statement calls for a "First Nations Voice" in the Australian Constitution and a "Makarrata Commission" to supervise a process of "agreement-making" and "truth-telling" between government and [Aboriginal](#) and [Torres Strait Islander](#) peoples.<sup>9</sup>

Some politicians have misrepresented this proposal for an enshrined voice to Parliament as a demand for "a third chamber of parliament." It is not a call for a third chamber of parliament. Rather, it calls for a constitutionally enshrined Voice that will enable First Nations Peoples to be heard formally over decisions that touch their lives, culture and communities.

It is deeply regretted that the Australian Government has been unable to enter into a dialogue that could carry this proposal forward.

## **RECOMMENDATIONS**

1. That the Australian Government introduce and prioritise effective long-term strategies to eliminate injustice and disadvantage suffered by First Nations Peoples, and ensure the provision of adequate, recurrent funding without unfair conditions
2. That legislation, policies and programs be made consistent with international human rights standards and accountability procedures
3. That the Intervention/Stronger Futures, as well as other welfare reform (such as the cashless debit card), and additional burdens or penalties on Aboriginal and Torres Strait Islander Peoples be abolished

---

<sup>7</sup> <https://www.theguardian.com/australia-news/2019/aug/23/indigenous-deaths-in-custody-worsen-over-year-of-tracking-by-deaths-inside-project>

<sup>8</sup> Under the scheme that has been operating since 2016, up to 80% of a person's welfare is quarantined to a bank card that cannot be spent on alcohol or gambling, but the new legislation allows the minister to restrict 100% of payments in some circumstances

<sup>9</sup> [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1617/Quick\\_Guides/UluruStatement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/UluruStatement)

4. That the Australian Government commit to working with First Nations Peoples in a genuine partnership – across all key areas of policy, including justice (e.g. the proposed Walama Court), health, employment, housing, disability, children and families – with responsibility for delivering services given to community-controlled Indigenous organisations
5. That a bipartisan and community approach to innovative juvenile justice and care of children be developed
6. That the Australian Parliament engage in good faith in a bi-partisan, formal collaboration and consultation with Indigenous peoples to carry forward the ***Uluru Statement from the Heart***, so that:
  - a. the Referendum promised by the Australian Government at the UPR 2016 Review can take place – revising the Constitution, and ensuring that racist elements are removed, and an anti-discrimination clause included
  - b. the establishment of a First Nations representative voice to Parliament is enshrined in the Constitution
  - c. the sovereignty of First Nations Peoples is recognised in the Australian Constitution and a Commission for treaty making, truth telling, justice and reconciliation is instituted
  - d. the Government can establish deliberate procedures to involve First Nations communities in matters related to their political status within the nation, as well as matters affecting their social, cultural and economic interests.

## **B. CLIMATE CRISIS**

The climate crisis has grown in importance in Australia since the 2016. While no recommendations were made regarding the climate emergency during the 2<sup>nd</sup> UPR, the situation has shifted significantly in the past five years.

The unprecedented drought, bushfires and floods across Australia in the past twelve months have drawn international attention. They have indicated clearly the crisis facing this country, and indeed the entire global community. Thirty-three people died during the disaster, and thousands of homes were destroyed. The area burnt during the bushfires was almost twice the area of Switzerland.<sup>10</sup>

Not only have lives and property been lost. There will be lasting health impacts from related accidents, smoke inhalation and noxious chemicals. Entire businesses and schools have been destroyed, children's education and mental health have been affected. Rural communities have been changed by both drought and bushfires. There has been a massive loss of wildlife and species diversity across the country, and ecosystems have suffered irreversible harm.<sup>11</sup>

Australia's Pacific neighbours, already affected by the climate emergency, have been further impacted by the smoke from the Australian bushfires. And this is in addition to the damage

---

<sup>10</sup> <https://www.news.com.au/technology/environment/climate-change/the-devastating-toll-of-australias-bushfires-revealed/news-story/24e21e16fe0cd016dff86b3bed24a339>

<sup>11</sup> <https://www.climatecouncil.org.au/wp-content/uploads/2020/03/Crisis-Summer-Report-200311.pdf>

and destruction they have already experienced as a result of global climate change. Despite their own negligible ecological footprint, the small island nations in the Pacific are being disproportionately harmed by severe cyclones, rising sea levels, contamination of drinking water, and loss of crops and fishing sources. It has been widely recognised that the Australian Government was slow in responding to the bushfire crisis, ineffectual in that response, and unwilling to face the implications of the climate crisis for our country, our animals, our river systems, and our future. As always, it will be the poorest communities and the most vulnerable of creatures, who will be called to bear the greatest brunt of the effects of the climate crisis.

At the UN Climate Conference in Madrid, Australia was accused of “cheating”<sup>12</sup> and [named by other countries and conference observers](#) as one of a handful of nations that thwarted a deal on the rulebook for the [Paris climate agreement](#).<sup>13</sup> Australia’s diplomatic contribution to the talks was spoken of as “cynical, irresponsible and ultimately destructive”. For its retrograde policy, Australia was named as the worst-performing country out of 57 nations, and a “regressive force internationally”. Per head of population, our emissions are significant. Moreover, Australia’s subservience to the fossil fuel industry continues to besmirch the political landscape.<sup>13</sup> Politicians are choosing to weaponise the climate emergency at precisely the moment when we must come together to minimise our carbon footprint.

As long as Australia refuses to take action on climate change, the climate crises facing our country will be exacerbated and global temperatures will continue to rise. The majority of Australian citizens are supportive of climate action<sup>14</sup>; the Government is not. As has been pointed out, It’s a matter of too little too late.

## RECOMMENDATIONS

1. That the Government of Australia negotiate with all political parties and independent members of Parliament, to take urgent action to reduce emissions
2. Specifically – that policies be implemented to meet the target set by the Paris Climate Agreement (reducing carbon emissions by 45% on 2010 levels by 2030, and ensuring net zero emissions by 2050, to keep global warming to no more than 1.5°C above pre-industrial levels).
3. That Australia adopt renewable energy sources as a matter of urgency, and stop harmful greenhouse gas emissions
4. That the Government place a ban on all new coal mines and coal-powered electricity generation, and combine this with the orderly phasing-out of existing plants in a way that supports workers and low-carbon industries of the future
5. That the Government remove subsidies and tax breaks for polluting industries, place a price on carbon emissions, and use the revenue saved for investment in renewable technologies

---

<sup>12</sup> <https://www.theguardian.com/environment/2019/dec/16/un-climate-talks-australia-accused-of-cheating-and-thwarting-global-deal>

<sup>13</sup> <https://www.marketforces.org.au/politicaldonations2020/>

<sup>14</sup> <https://www.tai.org.au/content/climate-nation-2019>

6. That measures be taken to protect Australian species, vulnerable ecosystems and water-use policies to protect communities facing continuing drought
7. That Australia broaden its horizon and add its voice to those of governments around the world who are seeking to strengthen climate financial commitments, build climate resilience and adaptation, and support recovery from climate-induced disasters.

### **C. ASYLUM SEEKERS AND REFUGEES**

As well as expressing serious concern for the disturbing realities facing First Nations Peoples, the 2<sup>nd</sup> UPR focussed on the mistreatment of asylum seekers and refugees by the Australian Government. Issues related to asylum seekers and refugees raise significant questions for people worldwide disturbed by the abuse of human rights in this area. During the 2<sup>nd</sup> UPR, 52 specific recommendations were made to Australia regarding the situation of refugees and asylum seekers. It seems that the first and last peoples suffer most at the hands of successive Australian Governments.

For 40 years, following World War II, this country demonstrated strong global leadership in protecting refugees. In the past 25 years however, that leadership has been increasingly abandoned. Successive governments have redoubled policies of deterrence and deflection, while dehumanising and forcibly removing those in search of, and in desperate need of, protection. One of the most disturbing outcomes is human trafficking (especially of women and young people), into slavery.

As has been pointed out by human rights lawyers, as well as by UNHCR, Australia is a party, both to the Refugee Convention and the Convention on the Rights of the Child. Yet it has violated its treaty obligations and contravened the UN provisions for the protection of asylum seekers and refugees, the care of children and the rights of all people seeking protection.

This Government has detained people in onshore and offshore detention centres for months and years without hope or future. It has kept babies, children and families in conditions which threaten health and security. It has instigated forced returns to countries of origin, with asylum seekers and refugees facing unlawful imprisonment and torture.

#### ***OFFSHORE DETENTION***

The Prosecutor of the International Criminal Court (ICC) has found that Australia's current offshore detention regime violates international law. In February 2020, she stated unequivocally that Australia is breaching the Rome Statute, and that the conditions in Australia's detention centres could constitute "cruel, inhumane and degrading treatment"<sup>15</sup>.

This government's current policy is to repel asylum seekers – using military might to intercept boats of people seeking protection and turn them back to danger. It is forcibly holding people who previously arrived by sea in Pacific locations in Papua New Guinea and Nauru, and

---

<sup>15</sup> <https://www.theguardian.com/australia-news/2020/feb/15/australias-offshore-detention-is-unlawful-says-international-criminal-court-prosecutor>



denying them the chance of resettling in Australia, even if they are found to be refugees. The Australian Government has retained ultimate control of their lives, while abdicating responsibility for their well-being. Access to those in detention is severely restricted. There have been consistent reports of self-harm. Abuse has been institutionalised through bipartisan consensus.

Even though an agreement with the U.S. has resulted in 632 People departing for that country by September 2019, almost 400 people are still being held in PNG and Nauru, many of whom have been there for almost 7 years. New Zealand has offered to take refugees still detained offshore, but the Australian Government has refused this offer. Twelve refugees have died in offshore prisons.

### **ASYLUM SEEKERS WITHIN AUSTRALIA**

Since the last UPR, there have been significant changes in the treatment of refugees within this country. These have included:

- the re-introduction of Temporary Protection Visas and the removal of government-funded legal assistance
- the 2018 re-assessment of Status Resolution Support Services for those deemed to be “Work Worthy” with cuts to financial assistance and loss of accommodation.

Within Australia, the Government is subjecting asylum seekers and refugees to long periods of processing, leaving them in a state of suspension and insecurity, and now ceasing most financial support.<sup>16</sup> Because of the Impact of Covid-19 and the refusal of the Government to provide financial support to non-citizens, many asylum seekers awaiting processing are on temporary visas and so have become totally dependent on charities for their food and necessities.

In addition, asylum seekers on bridging visas are being assessed for their “work readiness”, irrespective of their skills or the availability of jobs. If they are found to be “work ready” all benefits cease. Many tertiary students are being forced to exit their programs. By removing the minimal Status Resolution Support Services (SRSS), previously available to those refugees without any other means of support, the Government has chosen to render already traumatised people vulnerable to exploitative work, in danger of homelessness and generally at risk of destitution. Combined with these hardships, there is on-going stress caused by the denial of family reunions.<sup>17</sup>

The withdrawal of support is plunging vulnerable people into poverty and placing intolerable pressure on charities already struggling to support the increasing number of poverty-stricken people in Australian society. The fast-track process (which no longer heard from asylum

---

<sup>16</sup> “While the number of people seeking asylum has doubled over the past four years, the Government has cut access for people who are unable to find work. Thousands of people have been forced off the Government’s Status Resolution Support Services (SRSS) program. The allocation for asylum seeker support has been cut by more than 60% over two years, from \$139.8 million in 2017-18 to just \$52.6 million in 2019-20. (RCOA media release 3 April 2019)

<sup>17</sup> People who arrived by boat without a visa after 13 August 2012 are not eligible to propose any family members and will only be eligible to apply for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). Holders of Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) are barred from sponsoring family members and from becoming citizens. RCOA Report: Addressing the Pain. Of Separation for Refugee Families 21 November 2016)

seekers but only from the Department of Immigration) placed further pressures on asylum seekers who arrived in Australia between 2012 and 2014, and has become even more restrictive since the 2<sup>nd</sup> UPR. What has become increasingly and frighteningly apparent is the truth that seeking protection is legal, that but Australian policies continue to violate Human Rights Law.

Covid-19 has exacerbated these pressures in alarming ways.

## **RECOMMENDATIONS 1**

### ***FOR THOSE SUFFERING IN OFFSHORE DETENTION***

1. That the Federal Government explore constructive policies to reduce refugee numbers in source countries, through aid and diplomatic initiatives
2. That Australia introduce mandatory human rights obligations to combat forced labour and defend people against human trafficking
3. That remaining refugees on Nauru and Manus Island be removed and given safe settlement – in Australia or in New Zealand (as previously offered by that country)
4. That the policy of offshore processing and boat turn backs be abandoned, and the principle of nonrefoulement be reinstated into Australian law
5. That serious negotiations with South-east Asia be commenced immediately to work towards an agreed regional solution, which recognises Australia's obligations and the international responsibilities of all countries
6. That Australia's refugee settlement program be increased to an annual intake of 30,000 places, over the next 4 years, with special consideration given to acknowledge the plight of the Rohingya people and the Syrian refugees

## **RECOMMENDATIONS 2**

### ***FOR THOSE SUFFERING WITHIN AUSTRALIA***

1. That people seeking asylum be detained for no longer than the time it takes to process documents and carry out health and security checks
2. That welfare agencies, journalists, and those who can offer humanitarian support be granted full access to detention centres
3. That the Australian Government comply with international law and prohibit the detention of asylum seeking, refugee and migrant children, except where a person is found by a court to constitute a health or security risk; no detention of children and their families under any circumstances
4. That appropriate processes be developed to facilitate the settlement of asylum cases, with adequate resources provided to the immigration department to resolve within one year the approximately 60,000 people currently awaiting the allocation of visas
5. That the SRSS and Government-funded assistance be restored, and onshore refugees be given other appropriate measures of assistance, including access to income support

on the same basis as other Australian residents in the context of covid-19 pandemic and the resulting recession

6. That the processing of citizenship applications be expedited, that all temporary protection visas be converted into permanent protection visas, and that family reunions be re-established as a matter of urgency
7. That the extra-discretionary powers given to the relevant ministers be peeled back so that transparency and human rights can be more objectively maintained and seen to comply with international obligations.<sup>18</sup>
8. That the Australian Government introduce a statelessness determination procedure and visa category to protect stateless persons in this country
9. that those who have lived in Australia since childhood should not be subject to deportation on character grounds

#### **D. HUMAN RIGHTS AND NATIONAL SECURITY**

The Australian Government spied on the Government of Timor-Leste during negotiations over Timor Sea resources between 2004-2006. As a result, the Timorese Government withdrew from the 2006 *Certain Maritime Arrangements in The Timor Sea* (CMATS) Treaty, which halved the resources of the *Greater Sunrise* oil and gas field between Australia and Timor-Leste (despite the area being twice as close to Timor as to Australia). Consequently, in March 2018 an internationally brokered maritime border between the two nations was established.

One of the spies (“Witness K”) and his lawyer (Bernard Collaery) have been charged under the *Criminal Code* and the *Intelligence Services Act 2001 (Cth)* for exposing the illicit actions of government in relation to the spying. They face imprisonment following a secret trial in a closed court. The concept of “national security” in Australia has been interpreted so broadly as to include corporate economic interests, and in this case, it appears that such interests were considered to be well-served by the hostile and illegal act of espionage against a Treaty partner during negotiations.

The prosecutions of “Witness K” and Bernard Collaery do not meet the internationally accepted standards for fair trials. There has been delay in informing the defendants of the charges, denial of access to evidence, numerous preliminary hearings (over 25 to March 2020), constant adjournments, and secrecy. The prosecutions are seen by many public figures and eminent legal minds to be political attempts to attack and intimidate whistleblowers whose actions in opposing government wrongdoing are clearly in the public interest.

Australians are given to understand that we have an open court system, but current revelations concerning another prosecution, that of “Witness J”,<sup>19</sup> challenge that assumption.

---

<sup>18</sup> Due to current policy couched in “National Security” excuses it is virtually impossible to attain figures on numbers of boats attempting to arrive in Australia, number of turn backs and lives lost at sea as a result of these turn backs. Documents under FIO on the Australian Border Force website are heavily redacted while search on the “Right to Know” website documents denials to requests for Refugee-related information.

<sup>19</sup> <https://www.sydneycriminalattorneys.com.au/blog/you-have-a-right-to-know-an-interview-with-witness-j/>

This person was arrested, tried and imprisoned for 15 months in complete secrecy. The lack of openness and denial of the constitutional principle of freedom of political communication in the criminal proceedings against “Witness K” and Bernard Collaery are a similar serious threat to the Australian justice system and to future generations.

The unexplained and increasing use of secrecy<sup>20</sup> in the preliminary hearings, and the stated determination of Government to delay and prolong proceedings even in a jury trial for Mr Collaery pose a serious challenge to the civil rights of all Australians. Australia is one of only 7 countries (out of 196) where respect for basic freedoms has declined.<sup>21</sup> The prosecution of these Australian citizens is a clear illustration of this trend.

## **RECOMMENDATIONS**

1. That the Australian Government strengthen the *Public Interest Disclosure Act 2013 (Cth)* to provide protection for whistleblowers
2. That the Government enshrine in domestic law all internationally accepted standards for fair and open trials
3. That the Australian Government discontinue the prosecutions of “Witness K” and Bernard Collaery.

## **E. HOMELESSNESS**

Homelessness is a major problem confronting Australia that has escalated in the past twenty years. The reduction of Government benefits for those in need, reinforced by the failure of successive governments to build sufficient social and affordable housing units, or to maintain current social housing stock, has led to the present critical situation. It is clear that a whole of Government approach is needed to end this national emergency.

There are 116,000 homeless people in Australia, according to the 2016 census, up from 102,000 in 2011. 17,000 children are homeless, and of these, 15,800 are under 12. Women over 55 are the fastest growing group of homeless Australians. 1 in 200 Australians is currently homeless. Those who live on the Youth Allowance and the pre-Covid \$40 a day Newstart allowance (the main income support payment for those who are unemployed and looking for work) are living below the poverty line and increasingly likely to be homeless.

On the Human Development Index Australia is assessed to be 6th out of 189 countries. That 116,000 Australians are homeless among such wealth and advantage is truly grievous.

The primary causes of homelessness include domestic violence, the breakdown of the family relationships, and financial difficulties. First Nations Australians, veterans, people with mental illness, young people and older women are disproportionately affected.

The economic downturn, exacerbated by the climate emergency and Covid-19, has increased the number of people seeking accommodation. Secure, safe and affordable

---

<sup>20</sup> <https://www.canberratimes.com.au/story/6538647/phones-taken-court-closed-in-spy-case/?cs=14264>

<sup>21</sup> <https://www.thebigsmoke.com.au/2020/05/13/australians-are-losing-their-personal-freedoms-global-monitor-finds/>

housing is a prerequisite for coping with homelessness and issues such as the coronavirus<sup>22</sup>. People sleeping rough are particularly at greater risk in adverse times. Further, they have limited capacity to cope and recover from events as they have far fewer material and financial resources upon which to draw. Special efforts during the pandemic have enabled large numbers of homeless people to be accommodated, demonstrating that this problem can in fact be resolved with enough political will.

## RECOMMENDATIONS

1. That the Australian Government commit to long-term, realistic levels of funding for social and affordable housing, regardless of other calls on revenue
2. That Social housing be made a high priority for infrastructure programs in the post-Covid economic stimulus packages
3. That the development of national homelessness and affordable housing strategy be underpinned by adequate funding in services, stock and support
4. That demonstrated effective models of cooperative housing be explored and developed for low-income households (prototypes such as **Housing First** – with its two models of **Common ground** and **Pathways** – which have been shown to be effective for ending street homelessness across a number of countries)<sup>23</sup>
5. That the Government establish realistic rates of income support, welfare allowances and related payments as the most effective step for lifting people out of poverty in Australia
6. That the Australian Government fully develop the Convention on the Rights of the Child into Australian domestic legislation and policy, so that children are adequately protected
7. That the Government create an independent Social Security Commission, with the power to set income support payments based on actual costs of living and number of available jobs
8. That incentives be provided for the development of affordable housing in the private market
9. That legislation be introduced to guarantee adequate rental protection for tenants and landlords.

## F. ACCELERATING AND WIDENING GAP BETWEEN RICH AND POOR

---

<sup>22</sup> Of the 116,000 people who are homeless, 8,200 are rough sleepers – who don't have a safe place to self-isolate during the pandemic. Without a home, it can be difficult to self-isolate, work from home, stay well and reduce the spread of the virus. (Mission Australia Blog 19 March 2020)

<sup>23</sup> A study of 225 people in the USA compared the outcomes of those using traditional housing services and those using a **Housing First** program known as *Pathways to Housing*. The research found that 88% of those in the **Housing First** program retained their housing for two years compared to 47% in the other programs (Gulcur et al. 2003).

In its UPR Report in 2015, the Australian Government made no mention of the growing gap between rich and poor in this country. As this has gathered speed in the past five years, it has nonetheless become a matter of serious concern for many communities and organisations (cf ACOSS Report 2016).<sup>24</sup>

The 2019 Davos Fact Sheet demonstrates the accelerating nature of this gap. By the end of 2019, the top 1% of Australians owned more wealth than the bottom 70% of all other Australians combined. At the same time, worker wage growth has stagnated, and the wealth share of the bottom half of Australians remains at just 9%. Women have been particularly disadvantaged by the current economic system, which increasingly concentrates wealth in the hands of the rich and powerful 1% (mostly men). Aboriginal and Torres Strait Islanders, migrant workers and those on social welfare are also particularly disadvantaged. Meantime, Australian aid has reached its lowest level ever, just 0.23% of gross national income.

At the same time, since the last UPR Report, more than one in three of Australia's largest corporations have paid no taxes at all (with an official corporate tax gap of \$2 billion). Lack of accountability to the Australian community, reinforced by a growing inequality of wealth and power, have become characteristic of Australian society, and been strengthened by Government policies and the culture of 'deserving and undeserving poor'.

It is our strong belief that the Government plays an important role in maintaining social cohesion and guaranteeing equity in the community. Part of its responsibility, we maintain, is the direct role it plays in redistributing the wealth in society towards those in greatest need. An effective system encourages balanced and sustainable growth, in order to maintain current living standards, and increase the living standards of those less well off.

The 2019–2020 budget increased inequality in Australia. It introduced tax cuts for the rich while Newstart and other welfare payments remained stagnant, and people on welfare were forced to exist on inadequate income. Such budgetary decisions have only served to ensure that vulnerable members of the Australian community have been increasingly left behind.<sup>25</sup> There was little in this budget to improve the situation for the 3 million people in poverty, the 116,000 homeless people on the streets, or the 190,000 on the queue for social housing.

The tax breaks for those who are wealthy have resulted in less being available for schools, hospitals, aged care, community support agencies, and environmental initiatives.<sup>26</sup>

## **RECOMMENDATIONS**

---

<sup>24</sup> [https://www.acoss.org.au/media\\_release/report-shows-three-million-people-in-poverty-in-australia-and-why-we-must-act-to-support-each-other/](https://www.acoss.org.au/media_release/report-shows-three-million-people-in-poverty-in-australia-and-why-we-must-act-to-support-each-other/)

<sup>25</sup> "Despite 27 years of uninterrupted economic growth, and unemployment stabilising at a notably lower level, and significant investment in redistribution of income via Family Tax Benefit and child care assistance in the 2000s, and a boost to indexation of the age pension late in that decade, we still have 9-to-10% of Australians living on very low incomes. It has varied a bit throughout that period but today, for 2 million or so people, we are where we were 30 years ago" and on some measures, like child poverty we had gone backwards. Peter Harris, Chairman Australian Productivity Commission 2012 -2018, in The Guardian 15 April 2019

<sup>26</sup> Private trusts, along with super, negative gearing, and loopholes in Capital Gains Tax, are popular ways for people with higher incomes – and their well-paid financial advisers – to avoid paying tax. Tax avoidance through trusts means the rest of us must contribute more in order to fund essential services. (Dr Sandra Goldie CEO of the Australian Council of Social Service Policy Briefing November 2017)

1. That the Government strengthen the tax system to ensure that those who can afford to contribute do so, ensuring that income and wealth inequality is reduced, and support is prioritised for those who need it
2. That resolute action be taken on corporate tax avoidance
3. That the support for regulatory agencies and statutory bodies be strengthened to ensure the enforcement of just regulations
4. That a robust safety net be developed for those unable to work because of poor health or disability, and those who cannot find work in the current recession
5. That Australian aid be increased to at least 0.7% of National GDP, and allocated according to need and our global responsibilities to poorer nations, rather than political advantage
6. That economic inequality be addressed, including women's unpaid caring work and gendered gaps in wages and retirement savings

## **G. COVID-19**

We have been grateful for the Government's actions to keep Australians secure and healthy during the time of Covid-19. The lockdowns have worked more successfully than was anticipated, and the financial support provided immediate relief. There is no doubt that the JobKeeper and Jobseeker schemes, designed to support the Australian community, have been valuable initiatives, making a difference to millions of Australians. The Government is to be commended for these initiatives.

Simultaneously, however, we have been confronted by the plight of those trapped and seemingly abandoned at the edges of our community.

Right across Australia, we have seen Church and community leaders, justice advocates and many individuals expressing concern for the more than 1.5 million members in our community who have found themselves missing out on Government support at this time. Casual workers, asylum seekers, refugees, migrant workers, international students, and homeless people have been totally disregarded in the Government's support packages. As a consequence, they have found themselves facing unprecedented crises, unable to go home and unable to find work here.

The contradictions have been stark. While the Prime Minister stated unequivocally that this is "no longer about entitlement. It's about need", it has been clear that is only about "need" for certain members of the community. The above groups have been excluded from the basic protections offered to others within the community – treated indeed as "non-existent".

Simultaneously, although both major Parties received relatively close results in the recent elections (77 to 68), the Coalition Government ensured that the Opposition has been excluded and discounted from decision-making and any shared profile at this critical time. This has alienated a significant percentage of the population, and as well, deprived the Australian community of valuable input from the whole of Parliament.

## RECOMMENDATIONS

1. That a Charter of Human Rights (judicially enforceable) be introduced in this country to ensure that all in the Australian community are protected, particularly in times of need
2. That Government policy demonstrate clear financial support for charities working with those most vulnerable, so that they are able to reach out to those pushed to the edge of society
3. That both major Parties, in what is proclaimed a democracy and not a one-party autocracy, be included in decision-making and representation to the Australian people

## CONCLUSION

At this time in our history, we believe it is critical for Government and Opposition Parties in Australia put aside short-term political advantage and work together to resolve the critical issues facing us. At this decisive turning point in our country's, and indeed, our planet's history, these challenges provide us with new possibilities for developing a vision and strategies, which can demonstrate clearly our commitment to international law, the rights of each person and the common good. This commitment will be seen in the way we respond to the crises facing us. The question for all of us must be faced: what sort of country and planet will our children, grandchildren and great grandchildren inherit, if we do not choose justice and compassion over short-term political gain?

---

## SOME REFERENCES

Bielefeld Shelley, *Submission to United Nations Special Rapporteur on Extreme Poverty and Human Rights: Thematic Report to the United Nations General Assembly on Digit Technology, Social Protection and Human Rights* (17 May 2019)

Bielefeld Shelley, Submission No 55 to Senate Standing Committee on Community Affairs, Parliament of Australia, *Inquiry into Social Services Legislation Amendment (Cashless Debit Card) Bill 2017* ((29 September 2017)

Davidson, P., Bradbury, B., Hill, T. and Wong, M. (2020), *Poverty in Australia 2020: Part 1, Overview. ACOSS/UNSW Poverty and Inequality Partnership Report No. 3*, Sydney: ACOSS

Australian Homelessness Monitor 2018

Intergovernmental Panel on Climate Change, *Climate Change and Land: IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land*



*Management, Food Security, and Greenhouse gas fluxes in Terrestrial Ecosystems: Summary for Policymakers* (Report, 7 August 2019)

International Covenant on Economic, Social and Cultural Rights Article 11 (adequate standard of living), Convention on the Rights of the Child Article 19 (protection from violence and abuse),

International Covenant on Civil and Political Rights

Lowy Institute, *Immigration and Refugees - Lowy Institute Poll 2019* Immigration and refugees - Lowy Institute Poll 2019

Mercy Foundation et al *Retiring into Poverty: A National Plan for Change* 2019

Wilkie Meredith, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children and their Families* (Report, 1997)

<https://www.environment.gov.au/climate-change/climate-science-data/greenhouse-gas-measurement/publications#quarterly>

<https://climateactiontracker.org/countries/australia/>

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-october-2019>

[https://www.acf.org.au/budget\\_2019\\_20\\_devaluing\\_our\\_environment\\_fuelling\\_global\\_warming](https://www.acf.org.au/budget_2019_20_devaluing_our_environment_fuelling_global_warming)

<https://www.smh.com.au/world/asia/pm-bats-aside-questions-over-prosecution-of-witness-k-and-lawyer-20190830-p52mjj.html>

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-october-2019.pdf>

[https://www.referendumcouncil.org.au/sites/default/files/2017-5/Uluru\\_Statement\\_From\\_The\\_Heart\\_0](https://www.referendumcouncil.org.au/sites/default/files/2017-5/Uluru_Statement_From_The_Heart_0)

<https://www2.deloitte.com/au/en/pages/economics/articles/review-implementation-recommendations-royal-commission-aboriginal-death-custody.html>