



CARING ABOUT THE RULE OF LAW PROTECTING HUMAN RIGHTS

The Greens' plan for stronger legal protections in Australia

While others talk about protecting people's human rights, and implementing our international obligations, the Greens are committed to ensuring it happens. We care about people – that's why we're advocating for better transparency and stronger legal protections for all Australians – no matter what their circumstances.

After years of work towards consolidated federal equality laws, Labor abandoned the draft *Human Rights and Anti-discrimination Bill* in March.

Despite talk of ratifying the Optional Protocol to the Convention against Torture (OPCAT) it signed in 2009, the government has failed to do so.

We know that strengthening legal protections is in the best interest of all Australians and will contribute to a safer, more equal and caring society.

Unlike the old parties, the Australian Greens are committed to protecting human rights on a comprehensive basis.

> COMMITTED TO TAKING ACTION

The old parties show time and time again they can't be trusted when it comes to stronger legal protection for Australians.

The Greens care about people – that's why we're making better legal protections for Australians a priority. Our rule of law initiatives are smart, people-centred solutions designed to protect all Australians – regardless of their circumstances.

The Australian Greens will:

- **Ratify the Optional Protocol Against Torture immediately** to ensure that Australia complies with its international human rights obligations and provide **resources for the National Preventive Mechanism** to improve monitoring and accountability in places of detention.
- **Consolidate, strengthen and modernise** federal anti-discrimination laws by legislating the Human Rights and Anti-Discrimination Act.
- **Introduce a framework for compensating** those who are wrongfully convicted of federal offences.

> PROTECTING THE VULNERABLE

We know that detainees - whether in prison, immigration detention or mental health facilities - are vulnerable to human rights abuses, and can remain in detention for many years.

The Greens believe that regardless of why people are held in places of detention, they have a right to be treated humanely and with dignity at all times. In a country such as Australia, this should be non-negotiable.

There must be no further delay in ratifying OPCAT - not only so Australia can be in line with our international human rights obligations, but to ensure the safety and dignity of those held in places of detention.

The Optional Protocol to the Convention against Torture (OPCAT) is an international agreement designed to protect people in detention from cruel, inhuman or degrading treatment or punishment.

Australia signed OPCAT in 2009 but is yet to ratify it. Ratification would establish a National Preventive Mechanism, responsible for all places of detention across Australia.

Establishing a National Preventive Mechanism will mean better monitoring and accountability for conditions in prisons, juvenile detention centres, mental health facilities and immigration detention centres – including those offshore, like Christmas Island.

The National Preventative Mechanism and its independent personnel will be funded and empowered to visit places of detention and assess the conditions and treatment of detainees. We will commit \$15 million over the forward estimates to properly resource implementation of the Protocol and Mechanism.



> MAKING EQUALITY A REALITY

Despite election promises to consolidate anti-discrimination law across the country, the government ultimately failed the equality test.

While the Coalition rejected the equality laws before they'd even seen a draft, Labor dumped the draft *Human Rights and Anti-Discrimination Bill* at the last minute.

The Greens worked with three successive Attorneys-General and countless stakeholders to facilitate the Bill's passage through parliament.

At the conclusion of the Senate inquiry in February 2012, our key recommendation was to prioritise the Bill for introduction and passage through the Parliament by June. In March, it stalled and was replaced by important but limited amendments to the *Sex Discrimination Act* as a compromise.

The Greens remain committed to legislating for equality. Our plan is to consolidate, strengthen and modernise federal anti-discrimination laws to bring Australia into line with our international human rights obligations.

A stand-alone act will reduce inconsistency and complexity, and give simple, cost-effective mechanisms for complaint resolution.

It will adopt global best-practice standards for promoting substantive equality and eliminating discrimination. It would empower the Australian Human Rights Commission to investigate an expanded range of issues.

We will also remove the out-dated exemptions for religious organisations to discriminate in the provision of services such as health, education, or housing. Labor restricted the exemptions for aged care but have left other Australians vulnerable to ongoing discrimination.

Consolidated federal equality laws remain a key component of the Greens' legal policy platform. We intend to keep them on the agenda and invest \$3 million over the forward estimates and see years of work become a reality.

In Australia, we need a better approach to protect against discrimination and deal with inequality in our society.

The Greens will not walk away – we're still fighting to protect people from being fired, expelled or bullied because of who they are.

> COMPENSATING FOR WRONGFUL CONVICTIONS

Consistently with the International Covenant on Civil and Political Rights, the Greens will introduce the right to compensation in the event of a wrongful conviction.

The Australian Institute of Criminology examined this issue in 2008, recommending that all states and territories implement legislation to establish this right, or establish specific guidelines for awarding compensation to wrongfully convicted people.

The current situation, where Australian states and territories make discretionary payments, is inadequate without clear criteria about how such payments are determined.

Australia lags behind the United Kingdom, which has incorporated a right to compensation for wrongful convictions into its *Criminal Justice Act*. New Zealand's guided discretion to compensation for people who are wrongfully convicted provides a level of transparency which is largely absent in Australian jurisdictions.

At present, it is more than possible for a wrongfully convicted person to receive no compensation and no reimbursement for their legal costs. Section 23 of the ACT's *Human Rights Act 2004* provides compensation where new facts conclusively show a miscarriage of justice.

The Greens believe that federal leadership on this issue would set the right conditions for other state and territory governments to follow suit and we will commit \$1.5 million to this initiative.

> STANDING UP FOR WHAT MATTERS

The Greens' rule of law initiatives are smart, people-centred solutions designed to protect Australians.

The old parties continually fail to introduce better legal protections for Australians, neglecting human rights.

We're committing to ratifying the Optional Protocol to the Convention against Torture and **resourcing the National Preventive Mechanism** to provide more transparency in places of detention.

We're making equality a priority and committing to consolidating anti-discrimination laws across the country to provide better legal protection for Australians.

We're introducing the right to compensation in the event of a wrongful conviction – consistent with the International Covenant on Civil and Political Rights.

The Greens know that better legal protections for all Australians will contribute to a more equal, caring society.

We are standing up for the rights of all Australians – no matter what their circumstances.