

# Human rights report card released

April 28 2014, by Glynis Smalley

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Real freedom, gender-based violence, terrorism laws, and asylum seekers' rights are all considered in a report released today on vital human rights issues in Australia and around the world.

The 2014 Castan Human Rights Report, by Monash University's Castan Centre for Human Rights Law, highlights the Centre's research and its relevance to some of the most important human rights issues facing society.

A key finding of the report is that freedom in Australia is being undermined.

Director of the Castan Centre Professor Sarah Joseph said the recent narrow debate on the "right to be a bigot" had camouflaged the real effects of changes to legislation.

"The 'bikie laws', police move-on powers, copyright laws, and even threats to remove government funding from artists are all reducing society's freedom," Professor Joseph said.

Senior law lecturer Dr Heli Askola said that the recent spate of cases of domestic violence shows that the existing laws are not going far enough to protect the most vulnerable in our society.

"Australia's 'National Plan to Reduce Violence against Women' has the potential to create change, however it must be backed up with sufficient funding and better implementation," Dr Askola said.

Current terrorism laws in Australia also need closer consideration, according to the Centre's Dr Patrick Emerton.

"ASIO's excessive powers to make 'predictive judgments' about potential terrorists – such as 'adverse assessments' of bona fide refugees – threaten human rights," Dr Emerton said.

"For this reason ASIO's powers must be brought into line with human rights norms."

The report takes up the issue of [asylum seekers](#)' rights.

Dr Azadeh Dastyari has identified at least seven international laws breached by current asylum seeker and refugee policies and practices.

"Contrary to the Australian government's oft-repeated assertion that it respects asylum seekers' rights, the current situation doesn't reflect this," Dr Dastyari said.

"Asylum seekers cannot have their detention reviewed by the courts. Conditions on Nauru and Manus Island breach the prohibition on cruel or degrading treatment and the detention of children on Nauru breaches Australia's international obligations to act in the best interests of the child.

"By treating those arriving by boat differently to other asylum seekers, Australia is violating its obligation not to punish refugees for their mode of arrival."

Dr Dastyari said that in addition to these violations, practices such as push-backs to Indonesia and the removal of legal aid increased the chances that genuine refugees would be returned to harm and were in clear violation of Australia's non-refoulement obligations.

The inaugural report provides in-depth analysis and commentary on a range of other crucial human rights issues including a better asylum seeker model; Australia's growing prison crisis; LGBTI rights; foreign aid; business and human rights; [human rights](#) in closed environments; and reproductive rights.

**More information:** The full report is available online:  
[www.law.monash.edu.au/castance ... ghts-report-2014.pdf](http://www.law.monash.edu.au/castance...ghs-report-2014.pdf)

Provided by Monash University

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