

Annual Report 2023

Human

Rights

Law

Centre.



Photo: Thomas Feng

We acknowledge the lands on which we work and live, including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people. We pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander people to undo this.

WARNING: *This document may contain images or names of people who have passed away.*

Contents Page

A message from our Chief Executive Officer and Chair	2
Who we are and how we work.....	5
Aboriginal and Torres Strait Islander Peoples’ Rights	8
Dignity for People in Prison	16
Democratic Freedoms.....	22
Human Rights Charters.....	32
Migration Justice	38
Reproductive Rights.....	50
Climate Justice	54
Corporate Accountability.....	58
A new chapter for the Human Rights Law Centre Board.....	68
Supporter story	70
Our Team.....	72
Our Finances.....	76
We couldn’t do it without you.....	78
Join our movement for human rights progress	84



A message from our Chief Executive Officer and Chair

In 2023, across the world and dominating our screens, newsfeeds and conversations, we saw again the vital need for human rights to be at the heart of protecting the most marginalised. 2023 has been a challenging year.

In Australia, hopes soared for long-overdue Constitutional recognition of First Nations people and the establishment of a Voice to Parliament as a meaningful step towards self-determination. The Human Rights Law Centre was proud to support the Voice, as it does the Truth and Treaty aspects of the Uluru Statement. The referendum outcome was deeply disappointing, and its implications will be felt widely and for a long-time.

In spite of the challenges, we made human rights progress, as always working in close partnership with others. Partnerships are at the heart of all our work; with Aboriginal and Torres Strait Islander organisations, civil society partners, pro bono lawyers, donors, philanthropists and, most importantly, with the people and communities fighting to uphold and advance their rights.

In this year that marks the 75th anniversary of the Universal Declaration of Human Rights, we grew support for the campaign for an Australian Charter of Human Rights. Our campaign gained momentum when the Attorney General announced an inquiry into Australia's human rights framework.

Following extensive advocacy by the family of proud Yorta Yorta woman Aunty Tanya Day, supported by the Human Rights Law Centre, just this month the Victorian Government implemented the long overdue decriminalisation of public drunkenness, a commitment made at the outset of the coronial inquest into their mum's death and recommended by the Royal Commission into Aboriginal Deaths in Custody over 30 years ago.

In response to the ongoing failure of governments and institutions to protect people who speak up about wrongdoing, we launched Australia's first ever legal advice service for whistleblowers.

We appeared as *amicus curiae* in a successful High Court legal challenge to the Australian government's power to hold people in immigration detention indefinitely.



Ben Kiely,
Chair of the Board



Caitlin Reiger
CEO

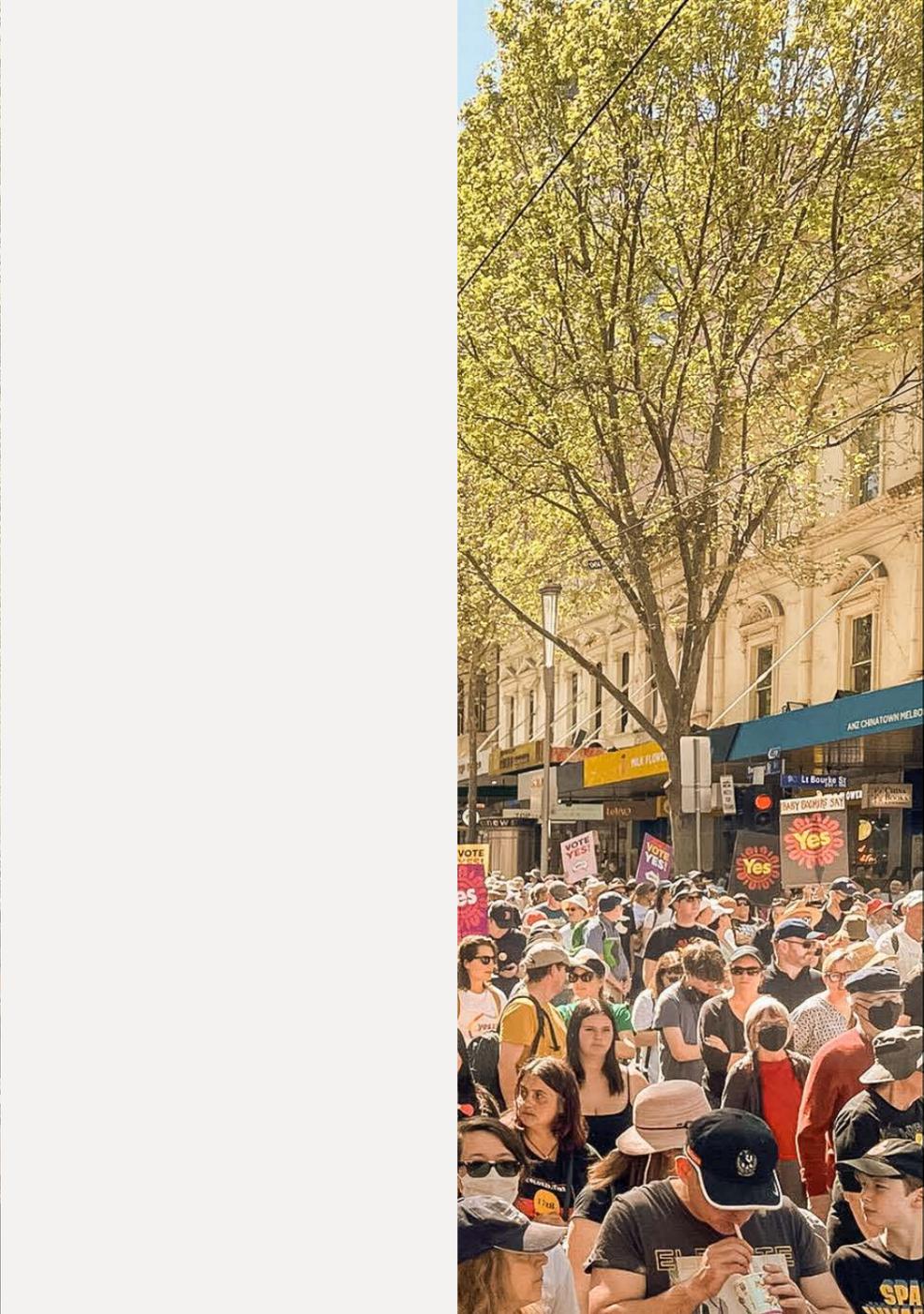
And, we celebrated a landmark milestone for equality and reproductive rights when the Western Australia Parliament finally passed new health-focused abortion laws that saw abortion removed from the state's criminal laws. Working in partnership, this year we also:

- challenged regressive anti-protest laws and the need for more transparency in our political system;
- kept the urgent need to raise the age of criminal responsibility in the national spotlight;
- fought for fair access to the age pension for Aboriginal and Torres Strait Islander people until the gap in life expectancy is closed;
- supported communities in Papua New Guinea to hold Rio Tinto to account with the assessment of the impact of toxic waste from its abandoned mine on Bougainville; and
- pushed for stronger modern slavery protections.

We also began reflecting on how we as an organisation benefit from structural privileges, and started exploring how we can address our own power and privilege to embed anti-racism into our work and our workplace. Please read our statement on 'Building an anti-racist human rights organisation' in this Annual Report, where we describe this work, and what it means for the Human Rights Law Centre.

To everyone who worked alongside us and supported our work this year, thank you. Together we help to build a fairer, safer, more compassionate Australia that values our differences, honours our planet and is grounded in respect.

Who we are & how we work



Our mission

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia.

Our vision

An Australia where everyone is free to lead a decent, dignified life; where our laws, policies and institutions promote fairness and equality; and where people and communities have the power to address inequality and injustice and ensure that governments always act in the public interest.

Where we work

As a national organisation, we work on human rights issues in Australia and that relate to the actions of Australian governments and corporations overseas.

Our tools

Legal action

We take strategic legal action to secure redress for people and communities in need, to ensure accountability, to establish precedents that protect human rights, and to prompt law and policy change.

Policy solutions

We conduct analysis, consultation and research to develop policy solutions to change laws and policies to advance human rights.

Advocacy

We advocate with decision makers, in the media and through UN accountability mechanisms, to secure law and policy reforms to advance human rights and to defeat policy proposals that would undermine human rights.



Thomas Feng,
Media and
Communications
Manager and
Josephine Langbien,
Senior Lawyer

How we work

In undertaking our work, we help people and communities understand their rights and take action to defend those rights and the rights of others. We work alongside people and communities affected by human rights violations and place their voices and interests at the heart of our work. We recognise that our goals can only be achieved by working collaboratively. That's why strong, respectful partnerships are central to all our work.

We partner with other not-for-profit organisations to advance shared goals and achieve collective impact. We partner with Aboriginal and Torres Strait Islander peoples and organisations, working alongside them to address systemic injustices facing communities, guided by partnership principles which support self-determination. We partner with law firms and barristers whose professional commitment to human rights, access to justice and the rule of law brings significant expert pro bono resources to support our work.

We build communities of action on the issues we work on. We connect people and communities whose human rights are at risk with our staff, donors, philanthropic funders, not-for-profit and pro bono partners and with other people and communities who are committed to defending rights. We are part of the community legal centre sector and a member of the Australian Council of Social Services, the Australian Corporate Accountability Network, the International Network of Civil Liberty Organisations, the Whistleblowing International Network, and other human rights networks.

Australia's legal profession does not currently reflect the community that it serves. Working with counsel who have a diversity of perspectives, experiences and backgrounds is good for our clients and good for the profession. The Human Rights Law Centre has adopted an equitable briefing policy that has been developed in consultation with a range of stakeholders across the profession, which aims to guide and improve our briefing practices.

Our Equitable Briefing Policy

We have set targets to offer more briefs to barristers who are Aboriginal or Torres Strait Islander, people of colour or who have a disability and barristers who are women or gender diverse. Additionally, we pledged to increase the number of briefs accepted by (as distinct from offered to) diverse counsel in comparison to benchmark briefing data. The policy sets out a range of other initiatives to ensure the Centre is fostering greater diversity within the legal profession. You can view the policy on our website hrlc.org.au/what-we-do

In the 2022-23 financial year, we offered briefs to 44 barristers. Seven were to barristers who are Aboriginal or Torres Strait Islander, people of colour or people who have a disability, representing 16 per cent of briefs. Five were barristers of colour, one was an Aboriginal barrister and one was a barrister with a disclosed disability. Seventeen of the barristers we offered briefs to were women, representing 39 per cent of briefs. Twelve briefs were to senior counsel; of these, five were women, representing 42 per cent of briefs offered to senior counsel.

Consistently with the principles of transparency and accountability which underpin the policy, we published our equitable briefing data and how it aligns with our targets on our website: hrlc.org.au. In summary, we met our equitable briefing targets, in relation to barristers of colour and women senior counsel. However, we fell short of meeting our target in relation to briefing women counsel generally. In 2023, our number of briefs accepted by women or gender diverse counsel (other than senior counsel briefs) slightly regressed.

The Human Rights Law Centre is committed to our equitable briefing policy and will continue to monitor and report on our compliance. The mixed outcomes in FY2022-23 underscores the importance of a continued focus on equitable briefing practices.

Building an anti-racist human rights organisation

Australia's legal and political systems and institutions reflect the legacy of systemic racism inherent in the ongoing processes of colonisation, which continue to impede the self-determination of First Nations people and negatively affect people of colour by privileging whiteness. The Human Rights Law Centre operates within these structures and has not until this point, critically reflected on how this impacts our staff and our work.

In 2022, we commenced an independent review of cultural safety within our organisation, and in 2023, began investigating in more detail how we can become more intentionally anti-racist. We are deeply grateful to the generosity of staff of colour and Aboriginal and Torres Strait Islander staff, both past and present, for raising their voices and dedicating their time and expertise to this process. We also thank Nicole Cassar of Cultural Infusion Services and Kind Enterprises for their support.

This work requires a lot of unlearning, relearning, and an unflinching and ongoing commitment to action by all levels of the organisation's leadership. We are developing an Anti-Racism Plan to ensure that we live the values that inform our work, including a commitment to human rights principles, centring lived experience in our work, and building it into our workplace systems and organisational structure.

We must provide a culturally safe environment for staff and the communities we work with, which actively challenges the power structures of racism and colonialism. We are committed to using our position and work to challenge racial biases inherent in Australia's legal system.

Aboriginal & Torres Strait Islander Peoples' Rights



NAIDOC Week March,
Naarm 2023
Photo: Thomas Feng

Our vision

A fair legal system that is free from racial injustice and that upholds the principles of dignity, equality and Aboriginal and Torres Strait Islander peoples' right to self-determination.

How we work

Aboriginal and Torres Strait Islander people know the solutions to the injustices their communities face – injustices borne of colonisation, ongoing racism and generations of oppressive laws and policies. We strive to work in ways that uphold Aboriginal and Torres Strait Islander peoples' right to self-determination and support the movement to end systemic racism in the legal system.

We work in solidarity with Aboriginal community-controlled organisations, peak bodies and the Change the Record coalition. Our partnership principles guide how we support Aboriginal and Torres Strait Islander peoples' right to self-determination.

Focus of our work

1

Ending Aboriginal deaths in custody

We work alongside Aboriginal legal services to end Aboriginal deaths in custody.

2

Ensuring Aboriginal and Torres Strait Islander children are diverted away from the legal system

We advocate for a fair and compassionate youth legal system that ensures Aboriginal and Torres Strait Islander children are not locked up and instead, can reach their full potential, supported by their families and in the community.

3

Removing racial injustice from the criminal legal system

We work to end the mass-imprisonment of Aboriginal and Torres Strait Islander people and challenge the lack of police accountability.

4

Pushing for economic justice through a fair social security system

We work to end the federal government's oppressive targeting of Aboriginal and Torres Strait Islander people through the social security system and to advocate for a fair social safety net so that all people can live a dignified life.

Our impact

Ending Aboriginal deaths in custody



The family of Tanya Day
Photo: Charandev Singh

“Public drunkenness laws have always been dangerous and discriminatory, and that’s why the Royal Commission into Aboriginal Deaths in Custody recommended that they be repealed three decades ago. As our mum’s case shows, police cells are unsafe places. No person should ever be locked up just for being drunk in public.”

– Tanya Day’s Family

Since the 1991 Royal Commission into Aboriginal Deaths in Custody, over 550 Aboriginal people have died in police or prison custody. No police officer has ever been held criminally responsible. Many of the Royal Commission’s recommendations are still not implemented. In partnership with Aboriginal legal organisations, the Human Rights Law Centre is working to compel governments across Australia to address this crisis.

Supporting the family of Aunty Tanya Day and repeal of public drunkenness laws

Following extensive advocacy by the family of proud Yorta Yorta woman Aunty Tanya Day, in November 2023 the Victorian government implemented the long overdue decriminalisation of public drunkenness laws, a commitment made at the outset of the coronial inquest into their mum’s death and recommended by the Royal Commission into Aboriginal Deaths in Custody over 30 years ago.

In 2017, Aunty Tanya was arrested for being drunk in a public place after falling asleep on a train. She died after hitting her head in a police cell in Castlemaine. The Coroner found that the checks conducted on Aunty Tanya while she was in the police cell were inadequate and that police had failed to take proper care for her health and welfare.

In January 2023, the Day family secured a significant win when the Victorian government made the formal decision not to give police any new powers to arrest or lock people up in police cells once public drunkenness is decriminalised. In August 2023, the Yoorrook Justice Commission acknowledged the advocacy of the Day family in securing these long overdue reforms in their groundbreaking report.

We continue to work with the Day family to ensure the Victorian government upholds this commitment to deliver a best practice, Aboriginal-led public health response.

Seeking justice for Kumanjayi Walker

In 2022, the Human Rights Law Centre began supporting the North Australian Aboriginal Justice Agency (NAAJA) in its intervention in the coronial inquest into the police-shooting death of Warlpiri and Luritja teenager Kumanjayi Walker. Kumanjayi Walker was killed after being shot three times at close range by police officer Zachary Rolfe in November 2019, in circumstances where all medical services had been withdrawn from the Yuendumu Community.

The coronial inquest into his death began in September 2022 and continued in 2023. Throughout 2023, the Human Rights Law Centre assisted NAAJA to highlight systemic injustices experienced by Aboriginal people in the Northern Territory, including systemic racism in policing. Together, we called for:

- an end to discriminatory policing and excessive use of force by police;
- independent and more robust police accountability mechanisms;
- community-led alternatives to police; and
- community-controlled health services.

We also supported the calls for change from Kumanjayi’s family and community through the Justice for Walker campaign. The coronial inquest will hear further evidence in 2024, with the Coroner’s findings expected to be delivered in late 2024.

Ensuring children are diverted away from the legal system

Children belong in school yards, not behind bars. Yet across Australia, children as young as ten can be charged by police and locked up in prison. Australia's very low age of criminal responsibility is at odds with expert advice on childhood development and is completely out of step with most other countries. Over the past year, close to 450 children aged ten to 13 were detained by the State and thousands more hauled through the criminal legal system. Due to the ongoing impacts of colonisation, inequality and systemic racism in our laws and policies, Aboriginal and Torres Strait Islander children account for 61 per cent of these children.

For years, the Human Rights Law Centre has played a key role in the *Raise the Age* campaign, which calls for all states and territories to raise the age of criminal responsibility to at least 14 to improve life outcomes for children. As a result of this work, several states and territories have committed to raising the age, but have not raised it far enough to properly protect children.

Removing racial injustice from the criminal legal system

Funnelling more people into prisons does not make our communities safer, instead it compounds inequality and disadvantage. Yet for years, Australian governments have continued to expand prisons across the country, spending billions of dollars on a system that isn't working, under the guise of appearing "tough on crime".

In a prison system underpinned by dispossession and colonisation, Aboriginal and Torres Strait Islander people are most deeply impacted. Government inaction, systemic racism, discriminatory policing and economic inequality have led to Aboriginal and Torres Strait Islander people being the most incarcerated people in the world.

In 2022, the ACT and Northern Territory governments committed to raising the age of criminal responsibility and Tasmania committed to raising the minimum age of detention. Unfortunately, the Northern Territory Government passed legislation in November 2022 raising the age only to 12, leaving 12 and 13-year-old children languishing in prisons, police cells and courtrooms.

In May 2023, despite calls from Aboriginal and Torres Strait Islander, human rights and community organisations to raise the age to at least 14 without exceptions, the Victorian Government announced that in 2024 it will raise the age to only 12. While it anticipates raising the age to 14 in 2027, the government has yet to make a firm commitment. In November 2023, the ACT Government also passed laws raising the age of criminal responsibility from 10 to 12 years old, in a delayed process to eventually raise the age to 14 in July 2025 and with exceptions for certain conduct. While this is progress, the Raise the Age campaign continues to advocate to all governments to take greater action to deliver better futures for children.

The Royal Commission into Aboriginal Deaths in Custody found that mass imprisonment is a key factor of Aboriginal and Torres Strait Islander people dying in custody. To address this injustice, we work alongside partners to end discriminatory laws and policies and promote evidence-based ways to reduce imprisonment rates.

Challenging unjust bail laws

Between 2016 and 2019, the Victorian Government made knee-jerk changes to Victoria's bail laws largely in response to a violent act committed by one man. These changes have driven up the number of people pipelined into prison, with women experiencing poverty and Aboriginal and Torres Strait Islander women impacted most.



The family and supporters of Veronica Marie Nelson, a strong Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who passed away in custody

More women are being denied bail, not because they pose a risk to the community, but because they themselves are at risk – of family violence, homelessness, economic disadvantage and mental illness. This has resulted in a large increase in unsentenced people languishing in Victorian prisons. In 2023, 50 per cent of women in Victorian prisons, and a staggering 83 per cent of young people in Victorian prisons, were unsentenced.

For years, Aboriginal and Torres Strait Islander, human rights, legal and advocacy groups have been calling on the Victorian Government to address the problem by changing the state's bail laws. In March 2023, we achieved some progress when the Andrews Government committed to winding back some unfair aspects of the state's bail laws. While these changes are a step in the right direction, they fall far short of reforms called for by the family of Veronica Marie Nelson, a strong Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died in custody after being pushed into prison by the unfair bail laws.

Along with the Victorian Aboriginal Legal Service and the family of Veronica Nelson, we coordinated 74 organisations in the legal, human rights and health sectors to call on the Victorian Government to fix the state's bail laws through the implementation of Poccum's Law. Poccum was the nickname given to Veronica Nelson as child by her family. Poccum's Law calls for:

- the removal of the presumption against bail;
- granting access to bail unless the prosecution shows that there is a specific and immediate risk to the safety of another person, a serious risk of interfering with a witness, or a demonstrable risk that the person will flee the jurisdiction;
- explicitly requiring that a person must not be remanded for an offence that is unlikely to result in a sentence of imprisonment; and
- removing all bail offences (committing an indictable offence while on bail, breaching bail conditions and failure to answer bail).

In August 2023, we joined Veronica Nelson's family on the steps of Parliament to urge the Victorian Government to implement Poccum's Law. Following the introduction of draft reforms to Victoria's bail laws in October 2023, several members of Parliament acknowledged these calls in their debate of the amendments. The family's advocacy has led to some positive changes that were passed in October 2023, including the repeal of two bail offences and the introduction of additional court considerations for Aboriginal and Torres Strait Islander people applying for bail. Disappointingly, the Victorian Government delayed crucial reforms to youth bail laws until 2024.

● “Changes to Victoria's bail laws don't go far enough to stop avoidable harm or prevent another death in custody. Our bail laws continue to fail to meet minimum human rights standards under the Victorian Charter. To get bail reform right, the Victorian Government must deliver further changes that properly implement Poccum's Law. The family of Veronica Nelson have led the calls for fairer bail laws with tremendous strength, and their voices must be listened to.”

- Amala Ramarathnam, Managing Lawyer



Monique Hurley, Managing Lawyer and Nick Espie, Legal Director give evidence to the Yoorrook Justice Commission
Photo: Yoorrook Justice Commission

Truth telling on systemic injustice in the criminal legal system

In December 2022, the Human Rights Law Centre's Nick Espie and Monique Hurley gave evidence to the Yoorrook Justice Commission during its hearings on systemic injustice in the criminal legal system. The Yoorrook Justice Commission is mandated to investigate both historic and ongoing systemic injustices experienced by First Peoples in Victoria as a result of colonisation.

It is the first time a truth-telling process with the powers of a Royal Commission has been designed and led by Aboriginal and Torres Strait Islander people, and its findings will inform future reforms including through Victoria's treaty-making process. This year we monitored the progress of the Commission while Victorian Attorney-General Jaclyn Symes gave evidence and reiterated our calls to:

- implement Poccum's Law, the blueprint for overhauling discriminatory bail laws which are resulting in unsentenced Aboriginal and Torres Strait Islander people being locked up in pre-trial detention at alarming rates;
- end the status quo of police investigating themselves which undermines accountability for misconduct, deaths in police custody and discriminatory policing;

- stop the pipeline of Aboriginal and Torres Strait Islander children into prisons by raising the minimum age of criminal responsibility from ten to at least 14 years old, with no exceptions;
- implement the United Nations' anti-torture protocol that is designed to prevent the abuse of people behind bars; and
- properly resource alternatives to the criminal legal system which are being led by Aboriginal Torres Strait Islander people, communities and organisations.

In September 2023, the Commission tabled its groundbreaking report, *Yoorrook for Justice*, in the Victorian Parliament. The report called for transformational change of the criminal legal system to address the systemic injustices experienced by First Peoples and endorsed the above calls made by the Human Rights Law Centre and Aboriginal community-controlled organisations.

You can read the Human Rights Law Centre's submission to the Yoorrook Justice Commission on our website: hrlc.org.au/submissions

Advocating for police accountability

The status quo of police investigating themselves and dodging accountability for their actions must end.

During 2023, we continued advocating for police accountability across Australia. In Victoria, we worked alongside the Victorian Aboriginal Legal Service, the Police Accountability Project and other partners to inform the Victorian Government's review into the state's police accountability system.

Together, through the Yoorrook Justice Commission and other forums, we continued to call for the introduction of independent oversight of complaints of police misconduct in the form of a best practice Police Ombudsman. We also supported the public campaign calling for a Police Ombudsman: policeombudsmannow.com.au

In the Northern Territory, we also worked with NAAJA to advocate for police accountability and independent oversight of police, through the Coronial Inquest into the death of Warlpiri and Luritja teenager Kumanjayi Walker.

Pushing for economic justice through a fair social security system

Racism is built into Australia's social security laws and programs. We work alongside Aboriginal-led organisations to challenge these injustices and advocate for a fair social safety net.

Challenging unfair access to the age pension for Aboriginal people

Every person should have the right to age and retire with dignity, but because of the gap in life expectancy, Aboriginal and Torres Strait Islander people are being denied equal access to fundamental support in their later years through the age pension. Aboriginal men have a life expectancy 8.6 years lower than non-Indigenous men, while for Aboriginal women the gap is 7.8 years. This gap is driven by the ongoing impacts of colonisation and systemic racism, and the failure of governments to meet Closing the Gap targets.

Proud Wakka Wakka man Uncle Dennis brought a legal challenge against the Australian Government with support from the Victorian Aboriginal Legal Service, the Human Rights Law Centre and DLA Piper.



- "I'm frustrated with this white system, it's not a system of the land. It doesn't give us a say. White people are living longer because they haven't lost what we have lost. As an Aboriginal man, I've seen too many of my people dying at a very early age. We are lucky to get to 50 years old. This case was about telling the truth, and asking the Government to work together with us, to give our people the same chance in life as everyone else.

"Things will never get better unless the Government closes the gaps it created. We didn't have a problem, a problem came here. Our language, our culture and our identity comes from here, it doesn't come from another country. Truth, justice and accountability are important."

-Proud Wakka Wakka man Uncle Dennis

The legal challenge called for fair and equal access to the age pension for Aboriginal and Torres Strait Islander people due to the gap in life expectancy.

In July 2023, the Full Federal Court dismissed the case. The Court did not accept that Australia's racial discrimination laws should give Aboriginal and Torres Strait Islander people earlier access to the age pension. Yet the Court recognised that the gap in life expectancy is connected to the ongoing effects of colonisation, dispossession, destruction of culture and racist policies. The Court said this is "a matter of grave concern for a society that values equality of opportunity". The Court's decision was delivered on the same day as the latest *Closing the Gap* report revealed that Australia is still not on track to meet the target of equal life expectancy for Aboriginal and Torres Strait Islander people by 2031.

Uncle Dennis is continuing his fight. We are proud to work alongside him and continue to support his fight for fair access to the age pension for Aboriginal and Torres Strait Islander People.



Proud Wakka Wakka man Uncle Dennis and Josephine Langbien, Senior Lawyer
Photo: Tash Khan

Dignity for People in Prison

Our vision

An Australia where governments are working towards closing, rather than opening, prisons; where all people behind bars are treated with dignity; and where governments and private operators are held accountable for human rights abuse in prisons.



Photo: Carolinn Martins

How we work

We recognise the close connection between growing imprisonment rates, racial injustice and the risk of people being subjected to human rights abuses behind bars. While our primary focus is always on reducing the number of people being pipelined into prisons, we also work in partnership with Aboriginal and Torres Strait Islander organisations, community legal centres and other partners to call for an end to harmful prison practices for those people currently trapped in the criminal legal system. And for greater oversight and transparency of human rights abuses committed in places of detention.

Focus of our work

1

Ending cruel and degrading practices in prisons

Abuse thrives behind prison walls. We advocate to end particularly cruel and degrading practices, including routine strip searching and the use of spit hoods and restraint chairs.

2

Ensuring oversight and transparency

We call for greater oversight and transparency to prevent abuse in prisons. This includes advocating for the effective implementation of the United Nations' anti-torture treaties, including the protocol which requires independent inspections and monitoring of places of detention to be implemented across Australia.

Our impact

Ending routine strip searches

In November 2022, the United Nations Committee Against Torture reviewed Australia's compliance with the international anti-torture treaty, the Convention Against Torture. Alongside the Change the Record Coalition and the National Aboriginal & Torres Strait Islander Legal Services (NATSILS), we made a joint submission to, and briefed the UN Committee in a private session, on the need for all levels of government to end human rights abuses in prisons.

Our work helped secure recommendations in the UN Committee's Concluding Observations that the Australian government should ensure that strip searches of persons deprived of their liberty are not performed routinely.

We also launched a research project in collaboration with a pro bono law firm to continue to hold governments to account by collecting data from all states and territories to compare the rates at which men, women and children are being strip searched in all prisons across Australia. The results will inform our continued advocacy efforts.

Monique Hurley,
Managing Lawyer
gives evidence to
the Yoorrook Justice
Commission
Photo: Yoorrook
Justice Commission

● “Routine strip searching amounts to state sanctioned sexual assault and should be banned. The cruel and degrading practice is dehumanising, degrading and robs people of their dignity. Data consistently shows that routine strip searches are ineffective in identifying contraband entering prisons. There is no excuse for governments across Australia to routinely subject people to the humiliation of being strip searched when there are far more effective and less invasive ways of checking for contraband, like using x-ray scanners similar to those used at airports.”

- Monique Hurley, Managing Lawyer





Ending the use of spit hoods and restraint chairs

Throughout 2023, we continued to advocate for all Australian states and territories to ban the use of spit hoods and restraint chairs in law. Last year, an investigation by the *NT News* revealed that spit hoods and restraint chairs were still being used in police stations in the Northern Territory, despite a 2017 Royal Commission recommending their use be banned. Together with Aboriginal partner organisations Change the Record and NAAJA, we engaged with the Northern Territory Government to demand an end to the use of these barbaric practices.

In late 2022, we joined the Ban Spit hoods Collective, a group initiated by Latoya Rule to advocate for the outlawing of spit hoods in all detention settings

across the country. Through the work of the Collective and other organisations, in September 2022, the Queensland Government announced that the use of spit hoods had been operationally banned in all of its watch-houses for adults and children. In October 2022, the Northern Territory Government announced the operational ban of spit hoods on children in police watch-houses. The ACT Government soon followed with an announcement in April 2023 that spit hoods would no longer be used on adults and children in police custody. We will continue to advocate for all Australian states and territories to ban the use of spit hoods and restraint chairs in law.

● “It is a stain on Australia’s human rights record that the UN has been forced to take the drastic measure of suspending its visit to Australia. The Don Dale Royal Commission, the Disability Royal Commission, the Aged Care Royal Commission, as well as many other inquiries and coronial inquests, have painted a dire picture of the human rights abuses that are allowed to thrive behind closed doors. Australia must implement the OPCAT treaty immediately if it wants to be taken seriously on the international stage.

Governments have known for decades that robust and independent oversight of all places of detention is sorely needed. Their continued failure to implement anti-torture mechanisms is a callous and dangerous disregard of the rights and lives of people behind bars. We must shine a light on human rights abuses wherever they occur and end the use of cruel and degrading practices – like routine strip searching and solitary confinement – once and for all.”

- Amala Ramarathnam - Senior Lawyer

Securing best practice implementation of the United Nations’ anti-torture treaty

In 2017, Australia ratified the Optional Protocol to the Convention Against Torture (OPCAT), which requires every state and territory to have designated a ‘National Preventive Mechanism’ to carry out inspections and oversight of police and prison cells (as well as other places of detention) to protect against human rights abuses and systemic failings. Despite having 5 years and multiple deadlines, including the latest deadline in January 2023, Australia has failed to implement anti-torture mechanisms for people behind bars in every state and territory. The Human Rights Law Centre used media advocacy to condemn Australia’s lack of compliance and shone the national spotlight on our failure to protect people in prison from being placed at risk of mistreatment.

In February 2023, the United Nations torture prevention body – the Subcommittee on Prevention of Torture (SPT) – formally terminated its visit to Australia after it was denied full access to prisons and mental health facilities in New South Wales and Queensland. Since its establishment 15 years ago, the SPT have made over 80 visits to more than 60 countries. Terminating a visit has only happened on one other occasion, in Rwanda.

The termination of its visit is yet another blight on Australia’s international human rights track-record and puts Australia’s credibility on human rights issues at risk. Australia is now in danger of being included on a UN list of countries whose lack of OPCAT compliance is concerning. Together with partners, we condemned this breach of Australia’s obligations and continue to call for all Australian governments to fully implement OPCAT as a matter of urgency.

Democratic Freedoms



A rally in support
of whistleblower
David McBride
Photo: Amanda Smith

Our vision

A strong participatory democracy in which parliaments are representative, governments are held to account, and where the wellbeing of people and the planet is at the heart of every government decision.

How we work

Our democracy is the way in which human rights are realised, through laws passed by accountable parliaments and upheld by an independent judiciary. We work closely with partners to defend important democratic rights, including the right to protest; keep government and corporations accountable through defending whistleblowers; and on systemic reforms to protect our democracy from corrosive influences, like that of harmful industries, and disinformation and hate speech.

Focus of our work

1

Empowering Australia's whistleblowers

People who blow the whistle on wrongdoing are crucial to our democracy. But right now, whistleblowers in Australia are actively discouraged from speaking out. To address this, we have launched the Whistleblower Project to provide expert legal support to people speaking out on injustice and human rights abuses. We are also working to secure stronger legal protections for whistleblowers who speak out in the public interest.

2

Strengthening protest rights

Our ability to come together and protest is crucial to achieving positive social change. Yet in recent years we have seen a worrying proliferation of anti-protest laws which often expressly target or disproportionately impact environmental defenders and people advocating for action on climate change. We use legal action and advocacy to fight back against undemocratic anti-protest laws and excessive police responses.

3

Taking on disinformation and hate speech online

Digital disinformation is used to create division and to polarise our communities for political or financial gain. We are engaging with the federal government through various inquiries to ensure it introduces laws that will hold big digital platforms responsible for amplifying disinformation and hate speech, while respecting the right to freedom of speech.

4

Ending corporate influence in Australian politics

Our politicians should serve the people they represent and work for the common good. The Human Rights Law Centre advocates for changes to laws and policies to end the cycle of corporate influence in our political system.

Our impact

Defending whistleblowers

Whistleblowers are essential to our democracy. From war crimes in Afghanistan to child abuse in Tasmanian youth prisons, so much has been revealed thanks to the courage of whistleblowers. Their bravery ensures accountability for injustice and helps pave the way for critical reforms. This is why protecting whistleblowers is a cornerstone of our work to make Australia's democracy stronger.



“People who courageously speak up when they see something wrong are vital to ending cultures of impunity. In recent years, courageous whistleblowers have braved risks to expose malpractice in the banking sector, environmental destruction, misogyny at the highest levels of our public institutions, abuses in offshore detention centres and war crimes committed by Australian forces in Afghanistan. But what don't we know because prospective whistleblowers are staying silent?”

- Kieran Pender, Senior Lawyer, Human Rights Law Centre

Advocacy for stronger laws to protect whistleblowers

In 2023, we continued to advocate to decision makers and in the media for reforms to the federal Public Interest Disclosure Act to ensure public servants can safely and lawfully speak up about wrongdoing, without fear of prosecution. We also called for the establishment of a federal whistleblower protection authority to oversee and enforce whistleblowing laws.

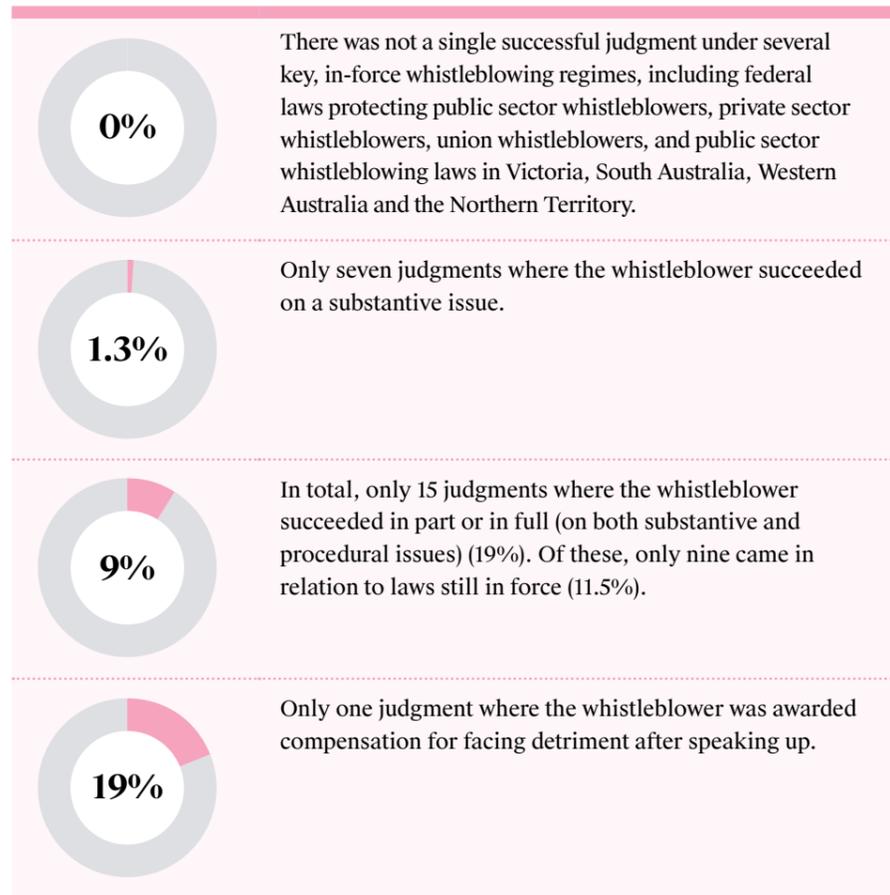
In August 2023, we worked with Essential Media to conduct polling to gain insight into Australian attitudes towards whistleblowers. More than two-thirds of respondents supported stronger protections for whistleblowers. 68 per cent thought that whistleblowers should not be prosecuted by the government when they speak up in the public interest. A majority of respondents agreed that whistleblowers made Australia a better place (64 per cent) and thought that the ongoing prosecutions of two whistleblowers should be dropped (58 per cent).

In August 2023, we launched the *Cost of Courage: Fixing Australia's Whistleblower Protections*. The report reviews every whistleblower protection case to proceed to judgment across Australia. Our research found there has not been a single successful decision for a whistleblower under the primary federal public or private sector laws. Never before has there been such a comprehensive review of all whistleblowing cases in Australia. The report revealed the cost whistleblowers are paying for revealing human rights abuses and wrongdoing.

In September 2023, the Human Rights Law Centre also coordinated an open letter to the Australian Government signed by more than 70 organisations and individuals calling for an end to the prosecution of whistleblowers and legal reforms. The letter was published in *The Age*, *The Sydney Morning Herald*, *The Saturday Paper*, *The Canberra Times* and *The Australian Financial Review*. Signatories included dozens of leading civil society organisations, unions, including the Community and Public Sector Union, the Media, Entertainment

and Arts Alliance, distinguished journalists, lawyers, retired judges, former whistleblowers and more. This media advocacy helped shine a light on the important role that whistleblowers and journalists play in exposing injustice.

Our report reviewed 23 different whistleblowing laws and analysed 78 judgments across 70 cases in a 30-year period. We found:



“Journalists cannot do their jobs, telling uncomfortable truths and keeping the powerful honest without whistleblowers, whose own lives have often been destroyed without protection. There is no public interest in prosecuting truth-tellers.”

– Kerry O’Brien, Journalist



Nick Feik, journalist, Senator David Pocock, Alysha, whistleblower, Nick McKenzie, journalist and Sue-Anne Hunter, Yoorrook Commissioner

Launch of the Whistleblower Project

Australian whistleblower protections have proven inaccessible and practically unenforceable. 80 percent of whistleblowers in Australia report suffering personal reprisals for speaking up. In the most extreme cases, people face the prospect of prison. For several years we have been providing expert legal support to people who blew the whistle and were threatened with jail time as a result, including legal support and advocacy that helped end the unjust prosecution of Bernard Collaery.

In 2023, we continued to support whistleblower Richard Boyle who spoke up about misconduct at the tax office which was ruining the lives of small business owners. In August 2023, we intervened as amicus curiae (friend of the court) in his landmark appeal in the Court of Appeal of South Australia.

We also continue to advocate for David McBride who blew the whistle on war crimes in Afghanistan and have supported several other whistleblowers who have spoken out in the public interest.

This work helped form the basis of our new initiative the Whistleblower Project – a dedicated legal support service for people who blow the whistle. The service is the first of its kind in Australia and is modelled on successful initiatives from overseas. The service will help protect whistleblowers to safely reveal wrongdoing under the protection of law; ensure the wrongdoing they disclose is dealt with promptly and fairly; and help protect them against any reprisal. The Whistleblower Project was launched in August 2023 in Melbourne and Sydney and is now open to the public. You can find out more at hrlc.org.au/whistleblower-project

Calling for reforms to ensure open justice

In July 2023, our team also appeared before the Independent National Security Legislation Monitor (INSLM), Grant Donaldson SC, to call for urgent and comprehensive reforms to national security laws to protect open justice.

After revelations of the top-secret criminal prosecution of an intelligence officer known as Witness J, the INSLM conducted a targeted review in 2022 and recommended initial reforms to the *National Security Information Act*. In 2023, the entire NSI Act came under review to determine how a better balance

can be struck between open justice and the protection of national security. The Human Rights Law Centre made 14 recommendations in written submissions to the review including that open justice being included, recognised and preserved in the NSI Act; the repeal of a mandatory requirement for some hearings to be held in closed court; and the appointment of an independent expert to advocate for transparency in cases where secrecy is sought. The review will release its findings in late 2023.



Alysha, Youth Justice Whistleblower attends a press conference at Parliament Lawn in Hobart
Photo: ABC/Luke Bowden

Alysha's story

Alysha worked at the Ashley Youth Detention Centre in Tasmania when she blew the whistle on the sexual and physical abuse of vulnerable children and teen detainees, together with a systematic cover-up and mishandling of complaints.

“When I blew the whistle on unimaginable wrongdoing at the Ashley Youth Detention Centre, my mandatory reports were ignored and incident reports went missing. Those in positions of power inexplicably failed to intervene to keep children safe. Simultaneously, my job, safety and wellbeing were targeted from all angles. I continued reporting. The more I reported, the more the bullying, threats and assaults intensified.

“The reprisals were relentless, my health suffering immeasurably. We nearly lost our home to manage the legal costs protecting ourselves from further harm. Being courageous can be scary. It's also a fundamental necessity to see positive change. I've been able to survive due to the people who gathered around me to provide specialised advice and support, including the Human Rights Law Centre. A dedicated service to support whistleblowers is an essential next step in ensuring integrity in public office. We need to be safe to speak up. Right now, we aren't.”

- Alysha, whistleblower

Defending our right to protest

The freedom to protest is fundamental to our democracy. Protest allows us to raise our voice on issues that matter, accelerate progress, and hold governments and corporations to account when they breach our rights. So much of the progress we are proud of has been achieved through public protest, from Aboriginal land rights to saving the Franklin River. But protest rights in Australia are sliding backwards after years of sustained attack from both sides of the political spectrum, with the encouragement of the powerful fossil fuel lobby.

In recent years, repressive anti-protest laws have been introduced in Queensland, New South Wales, Victoria and Tasmania. These laws particularly target climate and environmental activists at a time when climate action has never been more critical. The Human Rights Law Centre has been at the forefront of challenging this shocking regress. We have also been building solidarity in the sector and advocating to decision makers in the media for these anti-democratic laws to be repealed.

In late 2022, the South Australian Government continued the trend when it introduced a Bill to curb protest in the state. The *Summary Offences (Obstruction of Public Places) Bill 2023 (SA)* could see people hit with fines of up to \$50,000 and three-month jail terms, merely for obstructing any public space, like a footpath. The Bill disproportionately criminalised peaceful protests, for instance people handing out pamphlets about gambling harm in front of a shop, or workers gathering on a footpath to demand better pay and conditions.

We worked with community partners in South Australia to put the national spotlight on this shameful curbing of South Australians' right to protest. In a blow for democracy, the Malinauskas government rushed the laws through the Lower House of Parliament without any public consultation. The Bill was passed just two days after the Malinauskas Government told gas corporations that “the state is at their service”. Our team continues to advocate for these dangerous and potentially unconstitutional laws to be scrapped and for the attacks on protest to end.



“Australia's democracy is stronger when people protest on issues they care about. The Malinauskas Government's new laws are not only anti-protest, but they are also anti-people.

“The right to protest is fundamental to our democracy. Protest has been crucial to achieving many important social changes from First Nations land rights to the eight-hour workday. Under these new laws, the people who stood up for our rights would be locked up behind bars. We consider it highly likely that this law will end up in the High Court given the significant chilling effect it risks having on advocacy and democratic participation across the state.”

- David Mejia-Canales, Senior Lawyer



“In a healthy democracy, the best interests of people, communities and our planet are at the heart of every single decision our government makes. But right now, big industries like fossil fuels and gambling are distorting democratic processes to win political outcomes that put their profits ahead of our wellbeing. Limits on political donations and election spending are the reforms we need to get the influence of big money out of Australian politics.”

-Alice Drury, Acting Legal Director

Addressing corporate influence in our politics

Big corporations should not be able to use their vast wealth to manipulate our politicians for financial gain. Australia is falling well behind other advanced democracies when it comes to regulating corporate influence over our federal politicians. What is considered illegal and corrupt conduct in many places is business as usual in Canberra.

To address corporate influence in our political system, we work in partnership with other civil society organisations on the #OurDemocracy campaign. Throughout 2023, we advocated directly with politicians to build support for:

- ending the cycle of cash for access, so harmful industries can't give big donations to politicians in exchange for secret meetings and political favours; and
- leveling the playing field in our election debates, so voters hear from those with the best ideas, not just those with the biggest bank balance.

Throughout the year, we worked tirelessly with civil society partners, unions and politicians to ensure Australia introduces laws which will put the wellbeing of our communities and our planet at the heart of government decision-making. This includes ensuring any law reform does not shut down important advocacy in the lead up to elections.

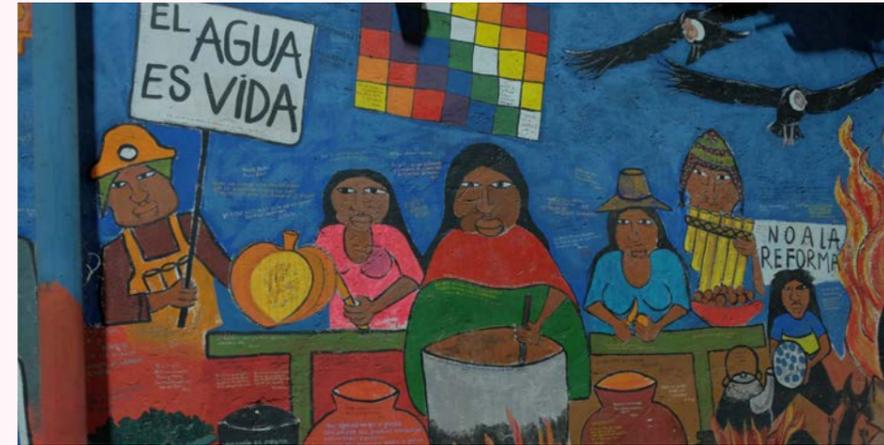


Photo: Adriana Abramovits from Dejusticia

Human rights on the international stage

The Human Rights Law Centre continues to be part of the International Network of Civil Liberties Organizations (INCLO). INCLO is a network of independent, national human rights organisations from 15 different countries working together to promote fundamental rights and freedoms around the globe.

By collaborating with INCLO, the Human Rights Law Centre is able to share knowledge and strategy with like-minded overseas organisations. We work together to push for change on significant human rights issues. INCLO currently works on four priority areas: Protest Rights and Policing; Surveillance and Human Rights; Religious Freedom and Equal Treatment; and Protecting Civic Space. This year, INCLO members collaborated on issues including advocacy to condemn the misuse of less-lethal weapons against protestors and the protection of civic space and human rights defenders.

Observation mission on human rights in Jujuy, Argentina

In August an international observation mission was undertaken by representatives of eight civil society organizations with extensive experience in the field of human rights and environmental rights.

Senior Lawyer David Mejia-Canales visited the province of Jujuy, Argentina, on behalf of the Human Rights Law Centre to see first-hand the possible violations of the right to protest and the right to participate in public life. The mission took place after hastily enacted reforms to the provincial constitution were made without extensive public consultation. Concerns have arisen about the incompatibility of the reform with human rights and environmental rights.

This important work intersects with both our Democratic Freedoms and Corporate Accountability work where the rights of impacted communities are central. The group spoke with Indigenous communities and land worker associations, as well as with community leaders, unions, human rights organizations, teachers, lawyers and people who reported various forms of violation of both their individual and collective human rights. The information collected will be used to prepare recommendations for all the actors involved, particularly provincial, national and international authorities.

Human Rights Charters



Dr Aisha Neelam, Bendigo Islamic Community Centre
- Appeared in the *Bendigo mosque and freedom of religion: Charter of rights in action* video
Credit: Screen shot from video directed by Sam Biddle

Our vision

An Australia where everyone, no matter who they are or where they are, understands their rights, has them properly protected in our laws and has the power to take action to ensure they are upheld.

How we work

The Human Rights Law Centre steers the national campaign to create an Australian Charter of Rights & Freedoms to ensure human rights are properly protected in law at the national level. We work with communities, a coalition of 94 civil society organisations covering diverse areas and constituencies, and legal and human rights experts to build support and momentum for a national Charter. Our campaign harnesses the expertise, reach and voice of community partners; brings communities together with a positive vision for a Charter; drives legal policy research and development; uses the media for positive social change; and builds political support for a Charter.

Focus of our work

1

Growing support for a national Charter

We increase public understanding of human rights and grow support for protecting our rights in law. We develop and use campaigning and communications tools and advocacy to achieve this goal.

2

Supporting local campaigns for state and territory Charters

We support local efforts to strengthen existing Charters in Victoria, Queensland and the ACT and to secure Charters in states and territories that don't yet have them.

Emeritus Professor Rosalind Croucher; Queensland MP Peter Russo; CEO Caitlin Reiger; and Emeritus Professor Terry Carney



Our impact

Engaging with the Parliamentary inquiry into Australia's human rights legal framework

In March 2023, Federal Attorney-General Mark Dreyfus KC asked the Parliamentary Joint Committee on Human Rights to investigate updating our Federal Human Rights framework, including the possibility of enacting a Charter of Human Rights. The launch of this long overdue inquiry presents an exciting window of opportunity to finally secure a Charter of Human Rights for Australia.

We know that a Charter of Human Rights would benefit us all and bring Australia in line with our international commitments. The Human Rights Law Centre was established to help bring human rights to life in Australian law and practice, and securing a comprehensive Charter has long been a core goal of our work. To influence the review, we provided two submissions and gave expert evidence.

In addressing the review, we presented our research showing the need for a national Charter of Human Rights. The Parliamentary Joint Committee on Human Rights is due to report back in March 2024.

This work was supplemented by other engagement with politicians and political processes, including a submission to the Disability Royal Commission made jointly with Children and Young People with Disability Australia, and People With Disability Australia. We also made a submission to the Australian Law Reform Commission inquiry into Sex Discrimination Act exemptions for religious education institutions, and a submission to the Federal Treasury's pre-Federal Budget consultation.

Caitlin Reiger, CEO at the launch for the Australian Human Rights Commission's Free + Equal report



● “Charters of Human Rights are about ensuring that the values we all share – like fairness, respect, dignity and compassion – are always at the heart of all government decisions, laws and policies.

“Australia is the only western liberal democracy without a Charter of Human Rights or similar in our laws. We see time after time situations where people have their rights violated but they are unable to take effective action, as shown in the Aged Care and Disability Royal Commissions to name two examples. A Human Rights Act or Charter means that government decision making must factor in human rights at the outset, and people can take action when their rights are being breached.”

- Caitlin Reiger, CEO

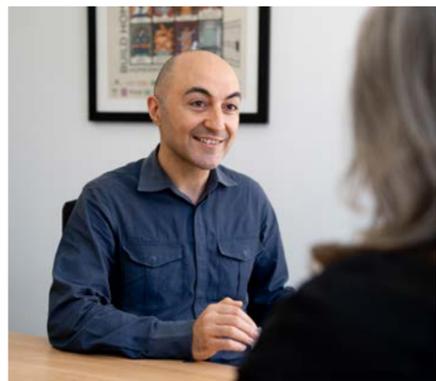
'Nazish' a refugee mother, describing the importance of the right to education for her children
Credit: Screen shot from video directed by Sam Biddle



Building resources to grow support for human rights charters

In late 2022, we launched the 101 case studies interactive website. The site showcases how Human rights laws in Victoria, the ACT and Queensland are making concrete improvements to people's lives, particularly by preventing homelessness and promoting health. The site is designed as an educational resource for people, communities and civil society organisations advocating for charters in other states and territories. The site features videos of some of the cases featured in our *Charters of Human Rights Make Our Lives Better* report to help grow public support for a national Charter.

The examples highlighted were drawn on by the Australian Human Rights Commission in their *Free and Equal position paper A Human Rights Act for Australia* released in March 2023. They were also referenced in many submissions to the Parliamentary Joint Committee on Human Rights inquiry by civil society organisations. In 2023, we continued to add to the website and publish on social media channels to promote the need for a Charter of Rights.



● “Everyone benefits when human rights are at the heart of our laws. The 101 cases report and website show just how these laws are benefiting people in Victoria, Queensland and the Australian Capital Territory already. From helping people stay in their home to older persons getting the medical treatment they need, and children seeking asylum attending school. That’s why we need a Federal Charter so that everyone nationwide can enjoy their rights too.”

- Daney Faddoul, Campaign Manger



Corey Irlam, Council On The Ageing Australia; Professor Andrew Byrnes, Australian Human Rights Institute at UNSW; Mary Ann Boquero Geronimo, Federation of Ethnic Community Councils of Australia; Daney Faddoul, Human Rights Law Centre.

Growing support for a Charter through digital events

This year, we continued our longstanding series of digital events in support for a national Charter of Human Rights. In 2023, we convened two online forums discussing the benefits a Charter could have for people and communities.

Every young person should have a great education, a secure place to call home, and quality health care. But this is not the case for far too many young people. No-one should be held back from their full potential because of their bank balance or postcode. In May 2023, together with the University of Newcastle’s Centre for Law and Social Justice hosted a webinar on young people’s human rights, and what difference a Charter of Human Rights would make.

Everyone should be able to access education, employment and the services they need. But the Disability Royal Commission has confirmed the truth known too well by many people, that this isn’t their reality. In June 2023, together with the University of Technology Sydney’s Centre for Social Justice and Inclusion we hosted a webinar on the influence a Charter could have on the rights of people with disability. Our expert panel explored some of challenges faced by people with disability today and how enforceable human rights, like with an Australian Charter of Human Rights, could make real improvements to peoples’ lives.

Building youth engagement with a Charter of Rights

In 2023, we continued our Charter of Human Rights school competition. Supported by the Lord Mayor’s Charitable Foundation, the competition invites high school students to submit an introduction to an Australian Charter of Human Rights. Students are asked to write a short piece on why a Charter of Human Rights would make Australia a better place.

The entries were reviewed by an expert panel of judges: Thenu Herath, Oaktree CEO; Lee Carnie, Foundation for Young Australians Executive Director for Advocacy; and Caitlin Reiger, Human Rights Law Centre CEO. You can read the winning entry by Chuk Yin Darien at Auburn High School at charterofrights.org.au.

Migration Justice

Our vision

An Australia where all people who cross national borders have a right to dignity, safety and a pathway to making Australia a permanent home.



How we work

We use a strategic combination of legal action, policy solutions and advocacy to address the harm being caused by the Australian Government's migration and refugee policies and to change those policies. We work in close partnership with the communities we represent and with other organisations working in the refugee and migrant rights and services sector.

Focus of our work

1

Bringing families back together

Families belong together. Yet the Australian Government is deliberately separating thousands of refugees and people seeking asylum in Australia from their families, as a cruel form of punishment. Working closely in consultation with people directly impacted, we are addressing this injustice using a combination of strategic legal action, public campaigning, advocacy, and policy reform work.

2

Safety for people subjected to offshore detention

Australia's inhumane offshore detention regime has destroyed thousands of lives and caused unthinkable suffering. Over 60 people remain abandoned in Papua New Guinea, and the detention centre in Nauru remains in operation. We continue to fight to end this harmful policy and we will not stop until every single person can rebuild their lives in freedom and safety.

3

Ensuring accountability for harm

Ending offshore detention is only the first step towards repairing the years of harm caused by this cruel policy. We use legal action and advocacy to ensure there is accountability for the damage done, and to secure safe futures for the people who have been subjected to it.

4

Evolving Australia's approach to immigration

Over the last 20 years, Australia's approach to immigration has become increasingly punitive and has led to countless human rights abuses. We are working with partners to shift Australia's immigration policies to an approach that treats people with dignity, compassion and respect.

Our impact

Bringing families back together

Endless delays in Australia's intentionally cruel family migration system are keeping thousands of people separated from their loved ones for years on end. The Human Rights Law Centre uses advocacy and strategic legal action to reunite families split apart by Australia's migration policies.

A major barrier to family reunion for people from refugee backgrounds was Ministerial Direction 80. The policy intentionally denied thousands of people fleeing persecution the basic human right to live in safety with their families. The policy dictated how applications for family visas are processed. It placed all family members of people who originally travelled to Australia by sea at the back of the queue as the 'lowest processing priority'. Because demand for family visas always exceeds supply, applications affected by Direction 80 were held up indefinitely.

● "I found safety here, but I have been waiting more than nine years to bring my wife here. My baby daughter was born nearly two years ago and I cannot be with her. It's really good news that this policy is gone, but there are so many families like mine who are still waiting. There are people on temporary visas who still don't have any hope. We just want to be together with our families and see our children grow up."

- Ismail Hussaini, who was prevented for years from reuniting with his wife and daughter by government policy

In February 2023, after years of sustained advocacy from the Human Rights Law Centre and partners for fairer family reunion policies, the Albanese government abolished Ministerial Direction 80. This was a necessary first step towards reuniting thousands of people with their loved ones.

Over 8,000 families had been kept apart by Ministerial Direction 80, with almost 1,000 waiting since 2013. The vast majority of people impacted are Afghanistan-Australian families like Ismail Hussaini's. Ismail worked with the Australian Army in Afghanistan as an interpreter and sought refuge in Australia. This policy prevented him from reuniting with his wife and daughter for almost a decade.

Ending Direction 80 was just the first step in tackling the many barriers keeping families apart. We also continued to engage with the Albanese government through review processes and directly with politicians to call for the reforms needed to reunite families. Our work to highlight the cruelty of family separation resulted in the Minister for Immigration, Citizenship and Multicultural Affairs publicly acknowledging the issues plaguing the family migration system and committing to addressing the visa backlog.

Launching the Family Reunion project

In November 2022, we began the Family Reunion Project. This new initiative has several aims: to build awareness and trust in the community about the possibility of taking legal action; to increase capacity in the legal sector to provide free representation in court; and to force the government to repeatedly answer for its inaction in individual cases until it makes the systemic changes necessary to end family visa delays across the board.

In November 2022, we hosted a training session attended by over 60 lawyers on how to run legal cases challenging family visa delays, with expert presenters from the Afghanistan-Australian community and the New South Wales Bar. We developed educational resources and example documents, based on our experience in previous cases, for other lawyers to use.

In July 2023, we partnered with South East Monash Legal Service to deliver a series of information sessions directly to the community in the south-eastern suburbs of Melbourne. We worked with several organisations and community leaders to spread the word. Over three sessions, around 200 people who are separated from their loved ones overseas attended. We assisted at least 20 people to take the first step towards legal action by applying for copies of their visa application records, which will enable us to assess their situation and provide legal advice. Other attendees made their own applications using instructions we prepared, translated and published.

We are now building partnerships with pro bono law firms to assist in reviewing visa application records and to accept referrals to run court challenges in strong cases. We will build a network of barristers available to assist in these cases and will produce templates and resources to support our partners' work.



Community members gather for the Migration Justice Family Reunion Project with speaker Sanmati Verma and interpreter Hamed Saberi

Advocating for pathways to permanency for migrants

● “Since the 7-Eleven scandal a decade ago, we’ve known that the threat of visa cancellation keeps migrant workers locked into unsafe, underpaid work. But because governments refused to act, we’re faced now with a crisis of exploitation – ten percent of workers in Australia are temporary migrants, and three quarters of those workers are being underpaid. This isn’t the time for half measures or tinkering. Migrant workers deserve a guarantee against visa cancellation if they take action against exploitation and abuse. It is a non-negotiable first step if this government intends to act on its commitments and ensure that every worker in this country is treated equally.”

-Sanmati Verma, Acting Legal Director

Everyone should have the chance to plan for the life they want. But over the last 25 years, successive Australian governments have setup a complex maze of migration policies which have made it increasingly harder for people to settle here long term and enjoy the same rights as others.

Australia’s migration policies contain many structural barriers that prevent migrants from becoming permanent residents or citizens. This has resulted in a huge growth in the number of people in Australia on temporary visas living in limbo, many without access to permanent residency. In Australia, it is increasingly common for people to live and work in Australia for more than 10 years on temporary visas but have no pathway to permanently migrate and build a home here.

Over the past five years, the time taken to process visa and even citizenship applications has also blown out significantly. These two factors have resulted in people experiencing a prolonged period of uncertainty and instability during their time in Australia. Migrants are unable to find permanent and secure jobs, sponsor family, or enroll kids in school without paying exorbitant fees and otherwise plan for the future.

Not only is this system placing people in a cruel and unnecessary limbo, it has resulted in rampant exploitation of migrant workers. Temporary migrants must rely on the goodwill of their employers to obtain certification of their skills, to accrue the points necessary in the cut-throat process of skilled migration, or to sponsor them for employment-based visas.

From bullying to wage theft, predatory bosses are getting away with it because migration laws are set up to silence workers – to ensure that if they speak up, they will risk their visa and permission to stay in the country.

The Human Rights Law Centre is working to address these systemic problems with Australia’s migration system. In 2023, we shone a light on the migration systems that are leading to exploitation of migrant workers in a joint report with the Migrant Justice Institute. *Breaking the Silence* outlines legal reforms to ensure migrant workers are protected when they speak out against employers holding them to ransom.

In August 2023, together with The Migrant Workers Centre, Unions NSW, Immigration Advice and Rights Centre, and Migrant Justice Institute we released a roadmap for strong and robust visa protections for migrant workers. Our joint report *Not Just Numbers: A Blueprint of Visa Protections for Temporary Migrant Workers* contains stories of migrant workers on different visas and across the country, and their experiences at work – from wage theft to unsafe work and sexual harassment, to threats and bullying. The common thread is the lack of visa security and protection for workers to speak up about exploitation at work.

We also continued to speak to decision makers and engaged with the Albanese government’s 2023 review of the migration system. We will continue to advocate for migration policies that treat people with the equality and respect they deserve and allow people to settle and build a life in Australia.

Supporting Ned Kelly Emerald's successful challenge to his arbitrary and indefinite detention



● “Tonight, I will sleep in my own bed. When I wake tomorrow, I will be able to decide where I go, what I do, who I see. This is basic freedom, it is something you and I share. I haven’t had this for over ten years.”

“Over ten years ago, I came to Australia to seek protection from torture in my country, and instead I was tortured. I had no way to escape. I could not go home, and the government chose not to release me. Nobody should be asked to choose between their life and their freedom. What happened to me should not have happened, and it should not happen to anyone else.”

- Ned Kelly Emeralds

All people seeking safety have a right to permanent protection regardless of how they arrived in the country, but for twenty years, Australia has deliberately discriminated against people who arrived by boat. Arbitrary distinctions were drawn between people based on how and when they arrived. Some people ended up in offshore camps and others, like our client Ned Kelly Emeralds, were left languishing in onshore detention centres for years.

Ned fled Iran and arrived in Australia by boat in 2013. He has been trapped in detention ever since and has suffered serious harm as a result. Ned changed his name as an act of protest to highlight the injustice he has experienced at the hands of the Australian Government. When Ned arrived, according to the law he should have been taken to a Regional Processing Country. Instead, he was shipped around different detention centres in Australia while his Protection visa application was processed. In 2016, Ned was found to be owed protection by an officer in the Department of Home Affairs. But two years later, instead of issuing him with a visa, a second officer refused his application. Since then, Ned has been navigating the broken ‘fast track’ protection process.

In 2021, the Federal Court ordered that Ned be released from Perth detention centre and transferred to the home of friends in Perth, until his immigration status was resolved. But in the final moments before being released, former Minister Karen Andrews exercised her personal powers to prevent him from being removed from Australia or housed with his friends. This meant that the Court’s orders could not come into effect and Ned remained trapped in detention. The Australian Government then appealed against the court’s original judgment, despite it being rendered moot by the Minister’s actions.

Ned has not had a visa cancelled, nor been sentenced for a crime. Like many others, his case highlights the Australian Government’s deliberate and punitive warehousing of people in immigration detention because of their visa status.

In 2023, the Human Rights Law Centre supported Ned to launch a series of legal challenges, beginning in the High Court. In September 2023, Ned won the first of these challenges when the High Court found that the Full Court of the Federal Court did not have jurisdiction to hear the government’s previous appeal. However, this victory did not secure his release, and the question of whether ‘home detention’ orders could be made in cases such as Ned’s was left to be decided in another legal challenge.

In November 2023, our strategy to secure Ned’s freedom pivoted after the High Court made a landmark decision which freed hundreds of people trapped in indefinite detention.

Despite the High Court ruling that it is unlawful and unconstitutional for the Australian Government to detain people indefinitely in immigration detention, the Government did not agree to release Ned. This forced our team to bring an urgent legal application. Ned’s case was the first to be heard after the High Court ruling, and on the 30th of November, Ned was finally granted his freedom, after more than a decade in immigration detention.



Sanmati Verma, Acting Legal Director and Matthew Albert, Barrister
Photo: Tash Khan



The Human Rights Law Centre is indebted and deeply grateful to its counsel team of Adam Hochroth, Dr Ruth Higgins SC, Julian Murphy and Kate Bones pictured with Josephine Langbien, Senior Lawyer

Acting as a ‘friend of the court’ in a High Court challenge to indefinite immigration detention

No one should be locked up simply for not having a visa. Yet for decades, the Australian Government has had the power to trap people in immigration detention for as long as it chooses. Almost 20 years ago, the High Court upheld the constitutional validity of indefinite immigration detention in the *Al-Kateb v Godwin* case. Since that decision, thousands of people have spent years of their lives locked up, separated from their loved ones and their communities, with no timeframe or pathway to freedom.



● “Indefinite detention ends today. The High Court has finally overturned a two-decades-old authority that allowed the government to lock people up in immigration detention potentially for the rest of their lives.”

- Sanmati Verma, Acting Legal Director

As a result, the time people spend in immigration detention has increased steadily. Today, the government holds people in immigration detention for an average period of 708 days. There were, until recently, nearly 100 people in immigration detention who had been there for over 5 years. In March, it was revealed that one person had been detained for 16 years.

In April 2023, a new legal challenge was launched by law firm Allens to end this cruelty. In October, the Human Rights Law Centre and UNSW’s Kaldor Centre for International Refugee Law were granted leave by the High Court to appear as *amici curiae* – friends of the court – to extend the arguments in favour of ending the government’s power to detain people indefinitely. Significant aspects of our submissions were adopted by both the plaintiff and the Australian Human Rights Commission, who also appeared as amicus, and attracted strong interest from the Court.

After the hearing in November, the High Court ruled immediately that it is unlawful and unconstitutional for the Australian Government to continue to detain someone where there is no real prospect that it will become practicable to remove them from Australia in the reasonably foreseeable future. This decision will have life-changing consequences for people who have been detained for years without knowing if they will ever be released.

The Human Rights Law Centre is indebted and deeply grateful to its counsel team of Dr Ruth Higgins SC, Adam Hochroth, Julian Murphy and Kate Bones.

In the days that followed the Court’s decision, dozens of people were released from immigration detention, with many more potentially to follow. Yet instead of respecting the Court’s ruling and allowing people to get on with their lives, the government rushed through legislation to impose draconian visa conditions under the threat of criminal sanctions on people who were released.

The new visa regime continues to punish people who have been released from indefinite detention and subjects them to a harsher regime than the rest of the Australian community. People will be subjected to ongoing monitoring and restrictions on movement and activities indefinitely, and risk imprisonment for something as small as failing to inform the government of a new housemate or a trip interstate.

These extraordinary conditions will involve profound interference with personal freedom and dignity, and risk further segregating the migrants and refugees who have been released. The government should instead be respecting the constitutional limits of its powers and properly supporting people to rebuild their lives in the community.

● “Families have a right to be together. But for over a decade, Australian governments have intentionally kept refugee families apart as a form of punishment and deterrence. These families are continuing their fight before the UN because they want the global community to recognise the human rights violations they are experiencing. The Albanese Government could end this mistreatment immediately by ensuring all families have the right to remain together permanently in Australia.”

- Josephine Langbien, Senior Lawyer

Ensuring safety for people detained offshore by Australia

People seeking safety in Australia should be treated with dignity and respect, not banished to a detention camp in another country. Australia's long-standing policy of offshore detention has caused cruelty and harm to thousands of people who came to Australia for protection. The Human Rights Law Centre has long called for an end to this shameful policy and for the permanent resettlement of every person affected.

Ending a dark chapter on Nauru

For years, the Human Rights Law Centre has supported the fight to bring to safety hundreds of people detained in Australia's notorious detention camp in Nauru. In June 2023, officials finally brought the last people who had been trapped in Nauru for a decade to Australia. This was a testament to the powerful resistance from refugees and the efforts of countless people to expose the harm caused by offshore detention.

The fight, however, is far from over. The future of people transferred to Australia remains uncertain. The policy of offshore detention lives on and over 60 people remain trapped in Papua New Guinea. These people have endured years of mistreatment, isolation, unfit living conditions and medical neglect. We continue to advocate for their right to rebuild their lives in safety.

The Albanese government continues to contract a for-profit prison contractor, MTC, to operate the detention facilities in Nauru. Just months after Australia transferred the last people off Nauru, the Albanese Government sent a new group of people to the regional processing facility. We will continue to push the Australian Government to permanently close the detention centre and end its policy of offshore detention.



Accountability for the separation of families in offshore detention

Back in 2018, the Human Rights Law Centre supported over 60 people to bring the largest ever complaint to the United Nations about the Australian government's intentional separation of families between Australia and offshore detention camps in Nauru and Papua New Guinea. Dozens of families were indefinitely separated by the government's arbitrary application of the mandatory offshore detention policy.

While each of those families has since been successfully reunited, their futures remain uncertain, as the Australian Government continues to refuse to allow people previously subjected to offshore detention to settle in Australia permanently. In March 2023, the Human Rights Law Centre assisted these families to submit their final evidence and arguments to the United Nations' Human Rights Committee, advocating for the Committee to direct Australia to ensure these families will not be separated again.

Preventing return to offshore detention through High Court action

During the last decade, hundreds of people were evacuated from offshore detention to Australia for medical treatment. They include women sexually assaulted in Nauru, men attacked and seriously injured on Manus and children traumatised by years of indefinite detention.

Throughout 2023, the Human Rights Law Centre continued to lead a coalition of pro bono partners in legal action in the High Court of Australia to prevent their deportation back to the harm of offshore detention. Through this work, we have prevented the deportation of more than 550 people, including more than 200 children to offshore detention. These cases have meant that kids spent their childhoods in Australian schools, parks and homes instead of languishing in a detention camp offshore.

People evacuated from Nauru and Papua New Guinea have now lived in Australia for years, slowly rebuilding their lives. However, they live with the ongoing threat of being sent back offshore. Our cases continue to prevent this from happening. Working with key sector partners, we also continue to campaign for a safe and permanent home for everyone impacted by offshore detention and for a fair migration system that is free from cruelty.

Reproductive Rights



Adrienne Walters, Associate Legal Director; Jennifer Kanis, Principal Lawyer, Maurice Blackburn; Dr Susie Allanson, Clinical Psychologist - formerly at the Fertility Control Clinic

Our vision

Australian laws and policies promote the right of every person to decide what happens to their body.

How we work

We work with grassroots activists, civil society partners, doctors, nurses, community health services and lawyers to advance reproductive justice and defend hard-won rights.



Katie Roberston, former Legal Director; Adrienne Walters, Associate Legal Director; and Emily Howie, former Legal Director, were part of the Human Rights Law Centre team who advanced reproductive rights

● “When I first joined the Human Rights Law Centre, five states and territories were still using outdated criminal laws to regulate people’s access to abortion. Staff and patients were still being harassed and abused by anti-abortionists outside clinics. It’s been incredible to play a role over the past six years, with so many others, in changing the story about abortion in Australia and ensuring that our laws prioritise the health, dignity and safety of people needing healthcare.”

- Adrienne Walters, Associate Legal Director

Focus of our work

1

Removing legal barriers to abortion services

Everyone has the right to decide what happens to their body. Through collaborative campaigning and skilled political advocacy, we work to ensure that abortion is decriminalised and that new abortion laws support best-practice healthcare in every state and territory.

2

Ensuring people can access reproductive healthcare safely

No one should be intimidated and abused by strangers on the way to see their doctor. We work with partners across legal, community and health sectors to secure and defend safe access zone laws to protect people from being harassed outside reproductive health clinics.

Our impact

Securing new health-focussed laws in Western Australia, as abortion decriminalised Australia-wide

For years, the Human Rights Law Centre has been fighting to ensure that abortion is treated as healthcare and wiped from the criminal laws of every state and territory around Australia. In September 2023, this critical milestone was achieved with the passing of new abortion laws in Western Australia.

Abortion by doctors has now been decriminalised and replaced by health-focused laws in each state and territory of Australia. This moment was achieved through generations of protest and advocacy from organisations and courageous individuals around Australia.

Western Australia's new laws will see abortion treated like healthcare, with unnecessary legal barriers to timely care removed, such as mandatory counselling and needing multiple doctors' approval. The new laws also require doctors who object to abortion to respect their patient's right to healthcare and will help improve access to care in regional areas by supporting nurse-led care.

Climate Justice

Our vision

Australian laws and policies address the impacts of the climate crisis and put the wellbeing of people and the planet at the heart of government decisions.



School Strike for Climate,
Gadigal (Sydney)
Photo: © Bianca Vitale / Greenpeace

Focus of our work

1

Climate and human rights action through strategic litigation

We work in partnership with affected communities to develop legal claims to protect human rights and drive climate action.

2

Climate action through advocacy and policy solutions

Our advocacy aims to help re-frame the climate crisis within public debate as a human rights crisis. We will shine a spotlight on the people and communities who will be impacted most and outline the actions urgently needed from Australian governments and companies to address these impacts on people now and into the future.

3

Embedding the right to a safe and healthy environment in Australian law

Enshrining this right in Australian human rights law would both strengthen the basis for government action to prevent climate & environmental harms and provide a more direct avenue for people and communities to take legal action if the right is ignored. Working with civil society partners, we will advocate for the introduction of the right to a healthy environment into Australian law.



Freya Dinshaw,
Senior Lawyer and
Keren Adams,
Legal Director

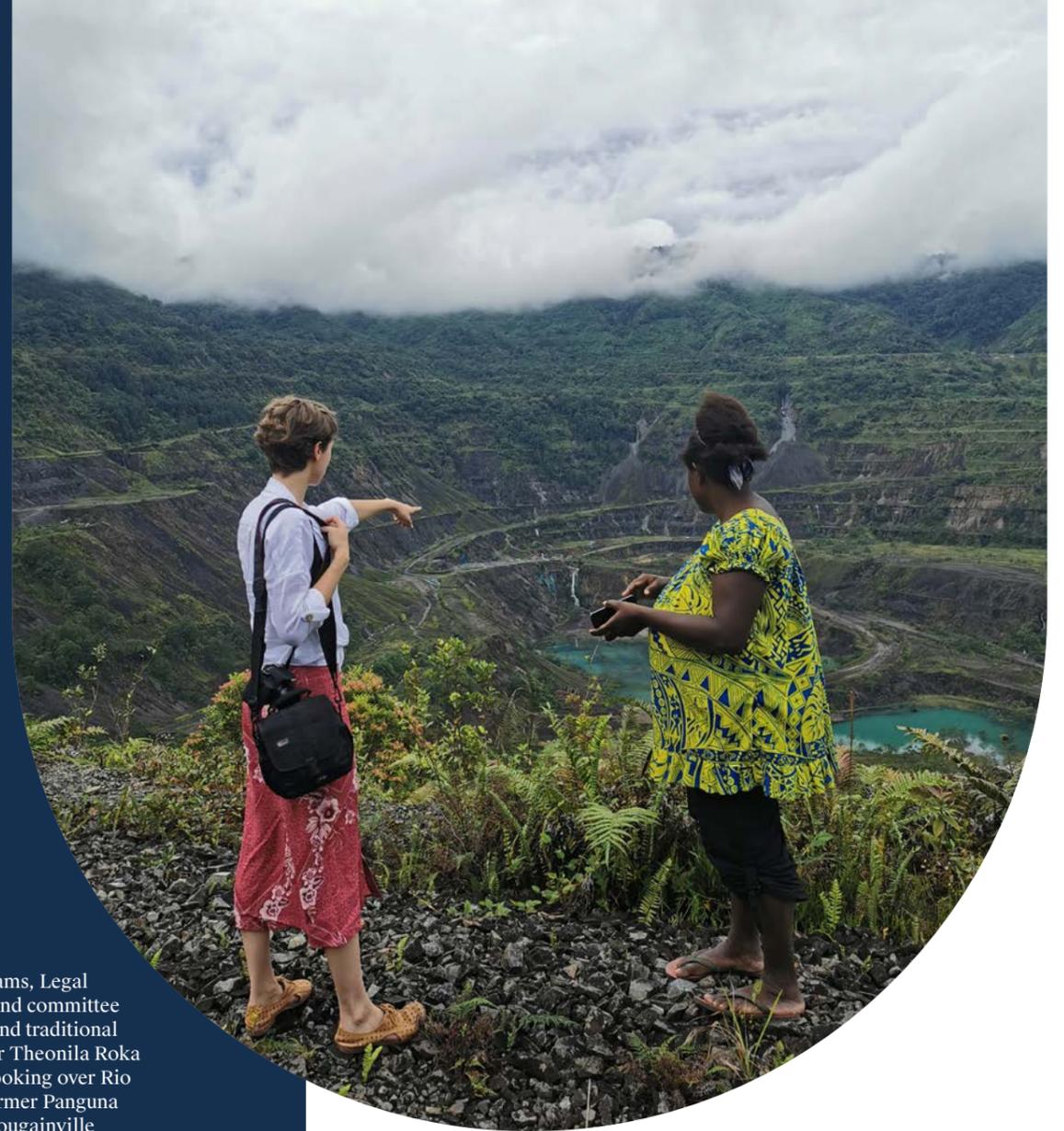
Building new Climate Justice work

The climate crisis is the biggest human rights challenge of our time. Without urgent action, climate impacts will increasingly cause and exacerbate major human rights violations in Australia and globally, with marginalised and disadvantaged communities hit hardest.

In 2023, the Human Rights Law Centre began establishing a dedicated climate justice program to help address this global challenge. This new work area will put people and communities at the centre of public debate on climate in Australia. We will use our expertise in strategic litigation and advocacy to help address climate-related harms and compel fast, fair and rights-respecting climate action.

In 2023, we worked alongside civil society partners to successfully advocate for the introduction of a right to a safe & healthy environment into the Australian Capital Territory Human Rights Act, the first jurisdiction in Australia to enshrine this right in human rights law. We also advocated for this right to be adopted into a national Human Rights Charter. We are also scoping transformative human rights-based legal claims in partnership with climate-affected communities. We want to propel government action on inadequate housing in Australia in the face of climate change and enshrine new minimum standards of habitability and energy efficiency. We are currently recruiting new staff to support this work.

Corporate Accountability



Keren Adams, Legal Director and committee member and traditional landowner Theonila Roka Matbob looking over Rio Tinto's former Panguna mine in Bougainville

Our vision

There is no business in abuse. Australian companies respect human rights wherever they operate and are held accountable if they fail to do so.

How we work

We work side by side with impacted communities, civil society partners, unions, and academics to hold Australian businesses to account for human rights violations. We work with partners to reform laws and policies that allow Australian companies to put profit ahead of people and the planet.

Focus of our work

1

Preventing corporate human rights abuses
 We work with partners and decision makers to strengthen Australia’s laws, policies and practices to ensure that businesses comply with international human rights standards, wherever they operate.

2

Improving pathways to justice for people and communities
 We support communities and individuals harmed by Australian corporate activities to obtain justice and remedy by assisting them to engage with companies, raise complaints or take legal action in Australia.

3

Ending modern slavery in the supply chains of Australian businesses
 We advocate for legal reforms to prevent Australian companies from profiting from forced labour in their supply chains and ensure they uphold workers’ rights.



Our impact

Long-awaited redress for the Berati family

Reza Berati was just 23 years old when he was brutally murdered by G4S security guards and other contractors in a violent rampage through the Manus Island Detention Centre in 2014, which also left over 70 other asylum seekers injured. He had fled Iran and sought safety in Australia. Reza was transferred to Australia’s detention centre on Manus Island under a cruel policy designed to punish refugees who arrived by sea.

Despite a Senate inquiry finding that the Australian government failed in its duty to care for Reza Berati and should provide compensation to the Berati family, almost a decade later, they had still not received any compensation or acknowledgment of their loss. Australian and New Zealand G4S guards allegedly involved in the murder fled the jurisdiction and were never punished. Reza’s death became a symbol of the impunity of the Australian Government and private contractors for serious human rights abuses in the offshore detention regime.

In 2021, Maurice Blackburn Lawyers and the Human Rights Law Centre supported the Berati family to take legal action against the Australian Government and G4S for the loss of their son. In August 2023, after years of fighting for some measure of justice, Reza’s family finally successfully settled their claim against the defendants on confidential terms. His parents can now find some closure.

The case is a stark symbol of corporate complicity for abuses in offshore immigration detention. It was the first Australian legal case alleging that a company’s failure to comply with its own corporate human rights policy contributed to a breach of its duty of care.

Reza’s family should never have had to fight for justice for their son. Australian laws should clearly hold companies and governments to account when they violate human rights. The Human Rights Law Centre continues to advocate for legal reform and for a permanent end to Australia’s shameful experiment with indefinite offshore detention.

Back: Bridie Murphy, Maurice Blackburn, Jennifer Kanis, Maurice Blackburn Keren Adams, Legal Director Front: Freya Dinshaw, Senior Lawyer, Fiona Forsyth KC and Edwina Smith – Counsel for the Berati family



● “We still feel the pain of Reza’s absence every single day. While there is nothing that will bring our Reza back or lessen the pain of his loss, we are glad that this case is over, we are satisfied that we fought for justice for Reza and are relieved now that we can try to move on with our lives. We hope that no other parent has to go through this pain and that nothing like this is allowed to happen ever again.”

- Reza Berati’s family



● “Our communities are drowning in mine tailings waste. The recent flooding damaged peoples’ houses, food crops and water sources. Women have been having trouble finding clean water to wash their babies...We support the independent investigation of the mine’s impacts, but our communities also need action now. This is not the first time our lands have been flooded and it will not be the last because the river is full of mine waste.”

- Landowner and Chairperson of the Lower Tailings Landowners Association, Bernardine Kiraa

Working with communities in Bougainville to hold Rio Tinto to account for environmental devastation

Corporations must be held to account when they cause harm to communities. For 45 years, Rio Tinto was the majority owner of the Panguna copper and gold mine in Bougainville, before it divested in 2016. During the mine’s operation, over a billion tonnes of waste tailings from the mine were released directly into the Jaba and Kawerong rivers, creating devastation on a massive scale. An uprising by local people against this environmental destruction and inequities in the distribution of the mine’s profits forced it to stop operating and triggered a brutal decade-long civil war.

The lives and livelihoods of over 20,000 people living near the mine continue to be seriously jeopardized. Pollution continues to contaminate rivers and flood large areas of land and deteriorating levees and chemical storage facilities pose serious safety hazards. Local communities using the rivers report serious health problems including gastrointestinal, skin and respiratory problems.

Our team has been working with communities on Bougainville for several years to hold Rio Tinto to account for this ongoing devastation. In 2020, we supported community members to lodge a human rights complaint against the mining giant. The complaint called on Rio Tinto to take responsibility for this legacy by engaging with local communities; funding an independent impact assessment and, ultimately, funding clean-up and remediation.

In 2021, we secured a significant win when Rio committed to fund an independent environmental and human rights impact assessment of the mine. Since then, we have been working with communities to ensure the company follows through on this commitment.

The Legacy Impact Assessment was launched by the President of Bougainville in December 2022 and its first findings and recommendations are due to be handed down in mid-2024. This process has been historic and seen Rio Tinto return to Bougainville for the first time since the uprising against the mine in 1989.

The assessment is being overseen by a Committee comprised of community leaders, landowners, government representatives, the Human Rights Law Centre and representatives from Rio Tinto and Bougainville Copper Limited. While Rio’s commitment to the assessment is welcome, much more needs to be done. The assessment is important for investigating the full extent of impacts caused by the mine. To date, however, Rio Tinto has not committed to fund remediation measures to address the impacts from the mine.

In the meantime, local communities are living in a volatile and increasingly dangerous environment. In August 2022, an independent early report from the impact assessment warned of serious risks to local communities posed by unstable mine infrastructure and flooding caused by the build-up of mine waste in the rivers.

Pressure on the ground is building – people need to see that the assessment will lead to action to clean up the mess caused by the mine and allow them to live safer and healthier lives. The Human Rights Law Centre will continue to work with local leaders to push for Rio Tinto to commit substantial funding to address urgent health and safety risks and for long-term solutions.



Adrienne Walters, Associate Legal Director with community member Nathan Matbob in Bougainville for the independent environmental and human rights impact assessment of Rio Tinto’s former Panguna the mine



Stronger Australian laws to prevent modern slavery

From Uyghur workers forced to make the clothes we wear, to migrant workers trapped in shocking conditions on Australian farms, many companies continue to turn a blind eye to exploitation and abuse in their supply chains. Australia should be a global leader in addressing modern slavery, but instead our weak laws allow companies to turn a blind eye to abuse.

For years the Human Rights Law Centre has been advocating alongside unions and civil society partners to strengthen Australia's Modern Slavery Act. The law should require companies to carry out due diligence to ensure their supply chains are clean, with appropriate penalties for companies that do the wrong thing and pathways for exploited workers to access justice.



Matthew Coghlan, Walk Free; Professor Tom Obokata, the UN Special Rapporteur on Contemporary Forms of Slavery including its causes and consequences; and Freya Dinshaw, Senior Lawyer

An independent review of Australia's Modern Slavery Act was conducted from 2022-2023. Ahead of the review, we released a landmark joint report, *Broken Promises: Two Years of Corporate Reporting Under Australia's Modern Slavery Act*, which followed on from our earlier report, *Paper Promises*. It examined nearly 100 corporate statements submitted to the government's Modern Slavery Register and found that, two years into the law's operation, most companies were failing to meet the basic requirements of the Act. We also co-ordinated civil society advocacy around the review and made detailed submissions, including publishing model amendments to the law that would introduce due diligence requirements and a corporate 'duty to prevent' modern slavery.

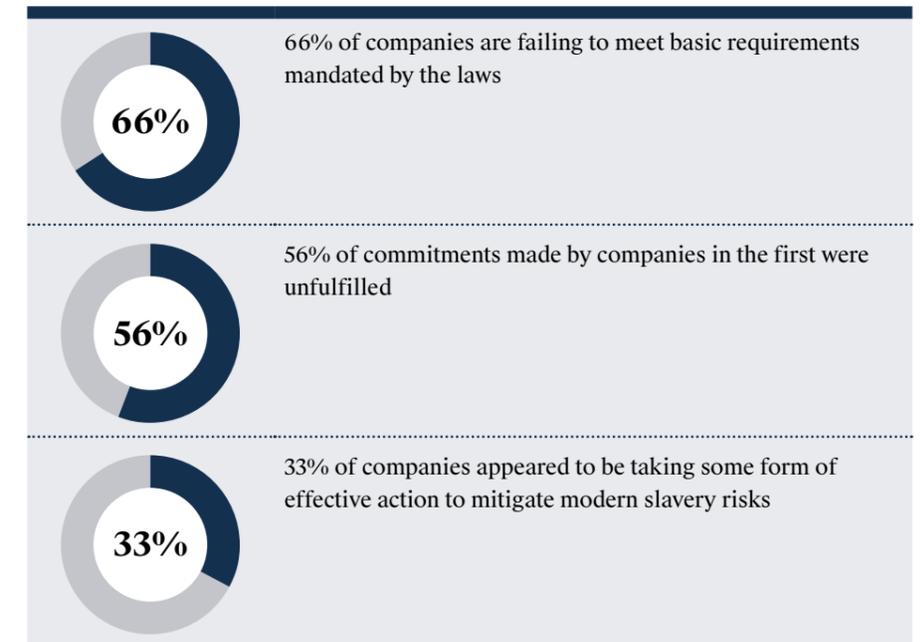
● “No company should profit at the expense of other people’s freedom. The Modern Slavery Act must be amended to require companies to take action to address modern slavery risks rather than just reporting on their current practices. There must be penalties for companies that fail to comply, and robust oversight and enforcement by an independent Anti-Slavery Commissioner. We urge the government to make these reforms without further delay.”

-Freya Dinshaw, Senior Lawyer

Our research and advocacy significantly influenced the review's findings. In May 2023, the final report of the independent review was released. It found that there was no hard evidence that the Modern Slavery Act, in its early years, has yet caused meaningful change for people living in conditions of modern slavery and made 30 recommendations to strengthen the law. These included the introduction of due diligence obligations for companies, penalties for non-compliance and the establishment of an independent Anti-Slavery Commissioner.

The government is expected to respond to the review's recommendations in the coming months, but has already committed \$8 million over four years for an Anti-Slavery Commissioner. We are continuing to engage with key decision-makers within the government and to advocate for the review's recommendations to be implemented in full.

Our report *Broken Promises* revealed that:





A protest outside Ansell's Annual General Meeting in Melbourne, 2022
Photo: Angela Iaria



● “It’s crucially important that the AusNCP has the powers and resourcing it needs to do its job of thoroughly investigating complaints brought to it and effectively mediating disputes between communities and companies. This review of its complaints procedures is an important opportunity to strengthen its investigative functions and make it more accessible and effective.”

- Keren Adams, Legal Director

Strengthening Australia’s corporate human rights watchdog

One of the main ways communities can raise complaints about human rights and environmental abuses committed by Australian companies without going to court is the Australian OECD National Contact Point (AusNCP), based within the Department of Treasury. The AusNCP has the power to mediate disputes, make findings against companies and recommend reforms. Past complaints to the body have related to illegal land grabs financed by Australian banks, labour abuses in Australian-run factories and abuses by Australian private contractors in detention centres on Manus Island and Nauru.

Despite this progress, there is still a long way to go to transform the AusNCP into a truly effective corporate human rights watchdog. The body’s findings are currently not binding on companies, and it still lacks many of the powers necessary to properly fulfil its functions. We are now working to further strengthen the AusNCP so that it has the power to recommend sanctions against companies that fail to comply with its recommendations.

The Human Rights Law Centre has been working for the past five years with other civil society organisations on an advocacy campaign to strengthen the AusNCP and ensure it has the powers, visibility and resourcing it needs to properly investigate complaints against companies. As a result, resources to the body have been increased and the AusNCP has now made a number of findings against companies and successfully mediated outcomes in several cases, including a landmark financial settlement by ANZ to Cambodian farmers pushed off their land by an ANZ-financed sugar plantation.

A new chapter for the Human Rights Law Centre Board



Jamie Gardiner pictured at the Victorian State apology

After thirteen years Jamie Gardiner OAM is stepping down from his role as Director on the Human Rights Law Centre's Board. Jamie has made an enormous contribution to the organisation and to the advancement of human rights across Australia.

As a vice-president of Liberty Victoria, Jamie has a long and proud history of campaigning for human rights. Jamie is also a pioneer of Australia's LGBT rights movement and member of the Victorian LGBTI Taskforce. In 1976, Jamie participated in the formal establishment of the Homosexual Law Reform Coalition's campaign to decriminalise consensual male homosexual sex in the state of Victoria. In 2014, the Victorian Government legislated to erase the criminal records of men who were convicted for having consensual sex when it was illegal and committed to a state apology.

The entire Human Rights Law Centre team along with former Legal Director Anna Brown OAM who led our LGBTIQ+ work, had the honour of standing beside Jamie and community leaders as the Victorian Government delivered an apology that set right historical wrongs. The apology was a powerful symbolic act that helped repair the harm caused by unjust laws and affirmed the value of gay, lesbian and bisexual people's sexuality.

Padma Raman and Jessica Kendall have also departed the Board following their well-deserved appointments in the Commonwealth Office of Women and a new senior role in the Victorian Government respectively. Chris Sidoti too has moved on to focus on his human rights work with the United Nations. Padma, Jamie, Chris and Jessica's dedication for social justice have left the Human Rights Law Centre in a better place. We are enormously grateful to them all for volunteering their time and deep expertise.

So, to a new chapter. We're pleased to announce that Rawan Arraf, Emma Webster, Shanta Martin and Damian Griffis have accepted positions as Directors on the Board. Evelyn Tadros also will replace Jamie as the Liberty Victoria nominee.

Rawan Arraf founded the Australian Centre for International Justice, Australia's first international justice legal centre. Damian Griffis, a descendant of the Worimi people, has been a central figure in the establishment of both the Aboriginal Disability Network NSW and the national organisation representing Aboriginal and Torres Strait Islander people with disabilities and their families - the First Peoples Disability Network Australia.

Evelyn is a barrister with over 13 years of experience in litigation and resolving disputes and has a broad practice, predominantly in commercial, public and common law. Emma has been a trusted Senior Adviser at the highest levels of Government, working for Government leaders at a state, territory, and federal level including for Premier Daniel Andrews and former Prime Minister Julia Gillard. Shanta is a barrister who practices in commercial, corporate regulatory, consumer and public law in the Federal and State courts and in commercial arbitrations.

Rawan, Damian, Evelyn, Emma and Shanta have joined Chair Ben Kiely, Deputy Chair Tim Goodwin and current Board member Andrew Carriline. Between them they bring a wealth of experience in rights-based legal and social empowerment for various communities. Their unique perspectives will support the Board of Directors to lead the Centre's work to advance human rights, equity and justice.

Supporter story: Harriet McCallum

Harriet McCallum has held a strong passion for social justice and advancing human rights from an early age. An activist in her university years, Harriet began her career in social work. After working in local government management roles, she then moved into philanthropy to make a deeper impact on the issues that matter.

Harriet supported the Human Rights Law Centre in a personal capacity for many years, but first began working with the Centre in her former role at the Lord Mayor's Charitable Foundation, where she was managing a program of work supporting climate, health, social cohesion and social justice. The Foundation played a key role in fuelling the establishment of the Human Rights Law Centre's national campaign for a Charter of Human Rights.

From working directly with women experiencing violence and people seeking asylum, to pushing for systemic change through grants program management, advocacy has always played a central role in Harriet's work. Now Harriet leads Mannifera – a collective of funders committed to supporting a stronger democracy and a fairer Australia.

Established four years ago, Mannifera members pool funding that they collectively grant out to civil society-led and First Nations-led advocacy, initiatives and campaigns. They work in close partnership with the organisations that they fund and have strong focus on supporting systems level change, around strengthening democracy and building a fairer economy.

“We're committed to learning from and alongside advocates on how best we can achieve that systems change together. We work really hard to bring philanthropic and civil societies sectors together where there are shared outcomes,” said Harriet.

Mannifera is committed to supporting projects and organisations that have sometimes struggled to secure funding from large foundations or traditional philanthropy. Mannifera focuses on improving our democracy through creating an open and accountable Government; improving the quality and fairness of public debate; and ensuring public participation for everyone.

Mannifera began supporting the Centre's work on the Hands of our Charities campaign and followed that with funding for protest rights and disinformation advocacy. They also supported the recently launched Whistleblower Project. In addition to this, Mannifera also helped connect the Human Rights Law Centre with other donors who support strengthening democratic freedoms.

“The Whistleblower Project strongly aligns with our improving the Quality of Public Debate and ensuring Fairness in Political Participation focus areas. We were really proud to be able to come in and support The Whistleblower Project. We ran an event with the Human Rights Law Centre to raise awareness about the importance of having a dedicated whistleblower specialist service and advocacy campaign,” said Harriet.

Harriet believes that the work of Mannifera and the Human Rights Law Centre are deeply complimentary. Both organisations strive to build deep partnerships and alliances across civil society, philanthropy and advocacy to push for reform together. Mannifera values the way the Human Rights Law Centre works and recognises the unique way it secures systemic change.



“Every project that we've funded with Human Rights Law Centre has a multifaceted advocacy approach. You've got the law and policy reform skills and knowledge, coupled with the deep understanding of how to build public and direct advocacy campaigns. The Centre knows how to work with decision makers and people in positions of power to try influence them to address human rights issues. The Centre also knows how to mobilise pro bono legal support which is such an incredible resource,” said Harriet.

When asked what human rights changes Harriet would like to see in her lifetime, she highlighted the need for Australia to strengthen and protect the rights of Aboriginal and Torres Strait Islander peoples, and the value a national Charter of Human Rights would bring to all people in Australia.

“The full implementation of the UN Declaration on the Rights of Indigenous Peoples would really strengthen the country. We need to find a new path to get there. A national Charter of Human Rights and Freedoms is also such an important thing for us to achieve. It would help us secure progress across so many different areas.

“These are the two things that I would love to see happen in our lifetime. They would help our country not only reckon with our past, but also build a much fairer nation,” said Harriet.

Harriet is excited to continue working with funders and growing Mannifera to increase its positive impact on our democracy.

“I get to work with incredible funders and partner with the most incredible advocates and First Nations leaders. I've always enjoyed leading coalitions, collectives and communities. I feel very fortunate that I get to do this on a full-time basis.” said Harriet.

You can find out more about the work of the collective at mannifera.org.au

Our Team

Our Staff



Caitlin Reiger
Chief Executive Officer



Danielle Nicolaidis
Executive Assistant



Monique Hurley
Managing Lawyer



Amala Ramarathinam
Senior Lawyer



Josephine Langbien
Senior Lawyer



Keren Adams
Legal Director



Adrienne Walters
Associate Legal Director



Freya Dinshaw
Senior Lawyer



Sohini Mehta
Lawyer



Alice Drury
Acting Legal Director



Sanmati Verma
Acting Legal Director



Scott Cosgriff
Senior Lawyer



Kieran Pender
Senior Lawyer



David Mejia-Canales
Senior Lawyer



Laura John
Senior Lawyer



Arif Hussein
Senior Lawyer



Regina Featherstone
Senior Lawyer



Michelle Bennett
Engagement Director



Rachel Richmond
Development Manager



Kate Steele
Philanthropy Officer



Thomas Feng
Media and Communications Manager



Daney Faddoul
Campaign Manager



Tash Khan
Content Producer



Nicole Tooby
Government Relations Manager



Justin Baré
Director, People and Operations



Anna Fordyce
Operations Coordinator



Nikki Jamett
Administration and Accounts Assistant



Daniel Webb
Legal Director (to July 2023)



Lauren Frost
Government Relations Manager (to June 2023)



Angela Iaria
Content Producer (to April 2023)



Kate Rogers
Finance Manager (to March 2023)



Kate Frost
Director of Operations (to February 2023)



Nick Espie
Legal Director (to January 2023)

Our Board



Ben Kiely
Chair



Tim Goodwin
Deputy Chair



Andrew Carriline
Director



Rawan Arraf
Director



Damien Griffis
Director



Shanta Martin
Director



Evelyn Tadros
Director



Emma Webster
Director



Jamie Gardiner OAM
(to November 2023)



Chris Sidoti
(to October 2023)



Jessica Kendal
(to October 2023)



Padma Raman PSM
(to May 2023)

Secondees

Jade Tyrrell
Johnson Winter
Slattery

Lauren Connolly
Johnson Winter
Slattery

Molly Welsh
MinterEllison

Peter Turner
MinterEllison

Masooma Saberi
Norton Rose
Fulbright
(to August 2023)

Samantha Marsh
Ashurst (to April
2023)

Stephanie Hogarty
Norton Rose
Fulbright
(to March 2023)

Tatum Joseph
MinterEllison
(to December
2022)

Aalishna Alag
Ashurst

Beau Arnfield
Ashurst

Dr Benjamin Koh
Shine Lawyers

Waiwa Mudena cadets

Rita Tomlins
King & Wood
Mallesons
(to October 2023)

Jasmine Bradshaw
King & Wood
Mallesons
(to July 2023)

Our Finances

This is an extract of our audited financial statements for the year ended 30 June 2023. For a full version visit www.hrlc.org.au

	2023 \$	2022\$
Revenue		
Grants	2,605,314	3,777,256
Donation	634,087	689,431
Interest income	100,984	9,384
Other income – including legal costs recovered	16,680	6,925
Total revenue	3,357,065	4,482,996
Expenses		
Operational and administrative expenses	(718,301)	(655,105)
Employee benefits expense	(2,857,454)	(2,670,713)
Occupancy expenses	(71,914)	(55,966)
Finance costs	(15,269)	-
Total Expenses	(3,662,938)	(3,381,784)
Surplus/(deficit) for the year	(305,873)	1,101,212
Other Comprehensive Income	-	-
Total comprehensive income for the year	(305,873)	1,101,212

	2023 \$	2022\$
Current assets		
Cash and cash equivalents	3,282,907	3,744,371
Trade and other receivables	198,261	100,383
Total current assets	3,481,168	3,844,754
Non-current assets		
Property, plant and equipment	30,405	72,270
Intangible assets	398,877	-
Total non-current assets	429,282	72,270
TOTAL ASSETS	3,910,450	3,917,024
LIABILITIES		
Current liabilities		
Trade and other payables	185,996	153,642
Provisions	270,220	257,630
Contract liabilities	69,473	200,339
Lease Liability	77,313	-
Total current liabilities	603,002	611,611
Non-current liabilities		
Provisions	30,525	58,072
Lease Liability	335,455	-
Total non-current liabilities	365,980	58,072
TOTAL LIABILITIES	968,982	669,683
NET ASSETS	2,941,468	3,247,341
Equity		
Accumulated surplus	2,941,468	3,247,341
TOTAL EQUITY	2,941,468	3,247,341

We couldn't do it without you

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Pro bono support from leading law firms and barristers is crucial to the Human Rights Law Centre's model and impact. Law firms we worked with over the 2022/23 financial year provided over **10,600 hours of pro bono legal work to support our work**, including undertaking legal action, research, writing human rights case summaries and seconding lawyers to us. The value of this work was over **\$4.25 million**. Many barristers across the country provided substantial additional pro bono support.

The volume and quality of pro bono work done in partnership with us is a testament to the extraordinary professional commitment of Australian lawyers to human rights, the rule of law and access to justice. We are incredibly grateful for this support and thank all the pro bono lawyers who worked alongside us.

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