## For a just and fair Canberra, the ACT Government must:

* Fund the ACT National Preventative Mechanisms (NPMs) - Inspector of Corrective Services, the Human Rights Commission and the ACT Ombudsman adequately to carry out monitoring relating to the implementation of OPCAT requirements in the ACT
* Dedicate funding to establishing an independent advocacy voice for culturally and linguistically diverse Canberrans in the ACT
* Provide increased funding to community legal services to ensure equitable access to legal supports for all ACT residents, including women and children, Aboriginal and/or Torres Strait Islander people, people with disabilities and other Canberrans facing legal disadvantage
* Increase funding for grant opportunities to cover bonds and rent for refugee and migrant groups settling in the ACT
* Commit to review police complaints handling mechanisms to ensure greater practical independence, accountability and transparency of investigations
* Invest in solutions to address racism experienced by children and young people as outlined in the [ACTHRC 'It really stabs me' Report 2023](https://hrc.act.gov.au/wp-content/uploads/2023/03/It-really-stabs-me_2023.pdf)
* Fund a multicultural health service to provide culturally sensitive care
* Incorporate all Economic, Social and Cultural Rights in the ACT Human Rights Act (2004) including: the right to housing; the right to an adequate standard of living; the right to physical and mental health; and the right to a healthy environment
* Improve access to the ACT Human Rights Act (2004) by implementing the ‘No rights without remedy’ direct complaints mechanism through the ACT Human Rights Commission followed by referral to the ACT Civil and Administrative Tribunal (ACAT) if the complaint cannot be resolved
* Embed human rights principles and obligations in all procurement processes and service contracts
* Publicly commit to a Federal Human Rights Act
* Progress a Treaty process for the ACT, as expressed in the [ACT Aboriginal and Torres Strait Islander Agreement 2019-2028](https://www.communityservices.act.gov.au/atsia/agreement-2019-2028).

## The Justification

* The [ACTHRC 'It really stabs me' Report 2023](https://hrc.act.gov.au/wp-content/uploads/2023/03/It-really-stabs-me_2023.pdf) found that 54% of culturally and linguistically diverse identifying children/young people surveyed reported experiencing racism, (with 92% of Aboriginal or Torres Strait Islander children/young people reporting racism).
* Better Renting’s [Unsafe as Houses](https://www.betterrenting.org.au/unsafe_as_houses) report estimated that there were 42 deaths attributable to cold temperatures in substandard housing from 2009-17.
* Aboriginal and/or Torres Strait Islander people experience worse health outcomes in the ACT; 41.6% identify as having a disability, and 80.5% say they have one or more current long-term health conditions.[[1]](#footnote-1)
* Across the general population in the ACT, 19.4% identify as having a disability.[[2]](#footnote-2)
* Aboriginal and/or Torres Strait Islander people in the ACT are over-policed and over-incarcerated. Although Indigenous people make up less than 2% of the Territory’s population, they make up a quarter of the population in the Alexander Maconochie Centre (AMC).[[3]](#footnote-3)
* Aboriginal and/or Torres Strait Islander people in the ACT are imprisoned at 19 times the rate of non-Indigenous people and are subject to community corrections orders at 12 times the rate of non-Indigenous people.[[4]](#footnote-4)
* The proportion of prisoners who are Aboriginal and/or Torres Strait Islander in the ACT has doubled over the last ten years, from 13% in 2011 to almost 26% in 2021.[[5]](#footnote-5) The ACT also has Australia’s highest rate of recidivism for Aboriginal and/or Torres Strait Islander people, with 91% of Indigenous detainees in the AMC having experienced prior imprisonment.
* In 2019, the ACT Auditor-General published its report, [Recognition and implementation of obligations under the Human Rights Act 2004](https://www.audit.act.gov.au/__data/assets/pdf_file/0018/1322460/Report-No-2-of-2019-Recognition-and-implementation-of-obligations-under-the-HRA-2004.pdf). It found that:
  + Although proposed legislation requires a completed ‘Human Rights Scrutiny Assessment’, information for ACT agencies that provides guidance and explanation on the Human Rights Act is dated and mostly limited to legislation
  + There is varied commitment to embedding a human rights culture across ACT Government Directorates
  + Agencies should amend annual reports of Directorates to include minimum standards for format for human rights activities to be reported
  + Agencies should identify additional, meaningful information to be reported that will allow for assessments of the development of human rights culture.
* In the [ACT Human Rights Commission’s snapshot](https://hrc.act.gov.au/wp-content/uploads/2015/03/HRA-10-yr-snapshot-HRDC-webversion.pdf) of 10 years of the ACT Human Rights Act 2004, the Commissioner noted:
  + A continued lack of systemic education on the Human Rights Act inside the bureaucracy
  + The Justice and Community Safety Directorate should play a role in disseminating knowledge about the operation of the Human Rights Act more broadly
  + The ACT Government Solicitor could share its expertise by providing short updates on legal developments that may impact ACT Government program or policy planning.

## The Issues

* Human rights are universal, indivisible, interdependent and interrelated; they are enjoyed by everyone regardless of gender, race, disability, and other points of difference.
* The *ACT Human Rights Act (2004)* does not include all Economic, Social and Cultural (ESC) Rights other than the right to education and worker’s rights. Safeguarding all ESC Rights in the ACT will establish a robust human rights framework that recognises the interrelated nature of economic, social, cultural, civil and political rights.
* Poor access to legal assistance and advocacy means that many Canberrans do not receive equality before the law. Unequal access to legal services drives poverty and disadvantage for Canberrans unable to enforce their legal rights in family, criminal, social security, financial, housing, employment and other matters.
* The successful *No Rights Without Remedy* Petition needs to be fully implemented including to enable a direct complaint handling mechanism to the ACT Human Rights Commission with referral to the ACT Civil and Administrative Appeals Tribunal if the complaint is not resolved (as in discrimination matters). The full implementation will improve accessibility of the *ACT Human Rights Act (2004)* and further realise its goal to foster human rights compliance with the ACT. These entities will need dedicated funding for their expanded remit, including an additional educative function.
* Policy design and implementation can be improved by ensuring that human rights principles and practice is a core to ACT Government work. For example, ensuring human rights principles are included in procurement processes protect workers from exploitation and encourage employers, who wish to win government contracts, to improve their human rights adherence.
* In line with the recommendation of the 2018 Australian Law Reform Commission, in its Pathways to Justice Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, the ACT Government should commit to review its police complaints handling mechanisms to ensure improved accountability, independence and transparency.

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| Delivering commitments in the ACT Parliamentary and Governing Agreement |
| The Government should prioritise some of its commitments **under the** [**Parliamentary and Governing Agreement**](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0003/1654077/Parliamentary-Agreement-for-the-10th-Legislative-Assembly.pdf) for this term of Government as they relate to human rights – these include, within the ACT Greens Policy Platform for the 10th Assembly:   * Consider introducing the “right to a healthy environment” into the Human Rights Act, and look at rights of nature * Establish a First Nations Commissioner in the Human Rights Commission. |

1. Australian Bureau of Statistics, 2021, [Data by region: Aboriginal and Torres Strait Islander Peoples](https://dbr.abs.gov.au/region.html?lyr=ste&rgn=8), accessed 10 May 2023. [↑](#footnote-ref-1)
2. Australian Bureau of Statistics, 2021 [*4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2018*](https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4430.0Main%20Features52018), ABS, 2019, accessed 22 June 2021 [↑](#footnote-ref-2)
3. Australian Government Productivity Commission, 2022, [Report on Government Services 2022: Justice](https://www.pc.gov.au/research/ongoing/report-on-government-services/2022/justice), accessed 28 January 2022 [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Australian Bureau of Statistics, 2021, [Prisoners in Australia](https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#data-download): Prisoner characteristics, States and territories, accessed 1st March, 2022. [↑](#footnote-ref-5)