



Fearless action for a fair Australia

Annual Report 2019



Human Rights
Law Centre

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▲ Josephine Langbien, David Burke and Scott Cosgriff from the Human Rights Law Centre's asylum seeker and refugee rights team.

◀ Cover: Human Rights Law Centre's Edwina MacDonald and Abdul aziz Muhamat in Geneva.

Chair and Executive Director's message

► Catherine Branson AC QC, Chair of the Board

Hugh de Kretser, Executive Director



Our ten year plan to transform the human rights landscape in Australia

The Human Rights Law Centre works for 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.

Since our establishment 13 years ago, we have a proud record of using legal action and advocacy to advance this vision. Over the past year that record was strengthened by the achievements you'll see in this report. But while we're proud of our impact, we recognise that both here and around the world, we are seeing grave new threats to human rights. Threats to the very concept that all people are equal and that we should all treat each other with respect and compassion.

We need new tactics to respond to these threats. We need structural changes to improve our laws and institutions. We need smarter, more effective communication to strengthen community understanding and support for human rights. We need a long term focus on change.

That's why for the first time we've developed a ten year strategic plan to transform the human rights landscape in Australia. The plan has four overarching goals:

1. Supporting people and communities to defend human rights
2. Transforming laws, policies and practices to advance human rights
3. Ensuring governments, parliaments and businesses respect human rights
4. Ensuring accountability for human rights violations.

The plan also outlines the capability we need to realise these goals. Undertaking legal action and advocacy for people whose rights are threatened will remain core to our model. But we will expand our communications and campaign capacity to better engage with supporters and build communities of action to address human rights violations and promote change.

Under our plan, we will continue working on the impact areas in this report. But we will also look to expand our impact in three key new areas: the impact of climate change on human rights; the impact of technology on human rights; and realising the rights of people with disabilities.

As always, strong, respectful partnerships will be central to how we work. Partnerships with Aboriginal and Torres Strait Islander peoples and organisations, guided by self-determination principles. Partnerships with fellow non-profit organisations to advance shared goals. Partnerships with law firms and barristers who provide expert pro bono resources to support our human rights action. And partnerships with our donors and philanthropic trusts and foundations who power our work.

We know that as a community, we are at our best when our laws and our actions reflect and protect the values – like fairness, equality, respect and compassion – that we all share. At their heart, this is what human rights are about. This is what our plan will achieve.

We invite you to read our plan in full on our website, and to stand alongside us as we work towards a fairer, more compassionate Australia. Thank you for your ongoing support.



Catherine Branson AC QC
Chair of the Board



Hugh de Kretser
Executive Director



Transforming the human rights landscape

Our vision

An Australia where the values we all share – like fairness, equality and compassion – are properly reflected and protected in our laws and where everyone understands their rights and freedoms and has the power to take action to ensure that those rights and freedoms are respected and upheld.

An Australian Charter of Human Rights and Freedoms

Our lives are better when we all treat each other with fairness and respect and when we can enjoy our rights and freedoms. Unfortunately, powerful politicians and corporations don't always respect the rights of individual people or communities. We need to create an Australian Charter of Human Rights and Freedoms to help level the playing field.

A Charter of Human Rights will ensure the decisions and actions of our governments are guided by the values of freedom, equality, compassion and dignity. It will help everyone from school children to new Australians understand the rights and freedoms that we all share and it will mean that if someone's rights are violated they can take action to get justice.

The Human Rights Law Centre is building the public campaign to create an Australian Charter of Human Rights and Freedoms with a wide range of community and not-for-profit organisations. This year we conducted in-depth research, focus groups and online testing and surveys to examine community views on human rights,

assess public understanding of laws that currently protect human rights, and help identify the messages that will best engage and motivate people to support the creation of a Charter.



The findings and recommendations are informing our efforts to kick-start a national conversation about the need to create a Charter. We are using digital media to reach new audiences and increase support and we have also hit the road to hold various community events.

While we build public support for a Charter over the next three years, we're also reaching out to foster political support and, with pro bono support from law firm Gilbert + Tobin, we are working with leading legal experts to draft a model Charter.

▲ Professor Gillian Triggs and lawyer Teela Reid at a community event in Wangaratta discuss the need for people and communities to have stronger tools to hold governments to account.

◀ The Human Rights Law Centre's Lee Carnie and Tom Clarke have developed a three year plan to build public and political support for the creation of an Australian Charter of Human Rights and Freedoms.

A Human Rights Act for Queensland

This year we celebrated a huge win for human rights in Queensland with a Human Rights Act passing through parliament. Queensland is now the third Australian jurisdiction with a Human Rights Act or Charter, joining Victoria and the ACT.

This means that 23 vital human rights including freedom of association, freedom of expression, the right to education and the right to humane treatment in detention will be better protected in Queensland law when the law comes into force in 2020. It will require government to properly consider and comply with human rights, and in the event it doesn't, it will give people an avenue to seek redress and justice.

The Human Rights Law Centre provided expert legal advice along with logistical and strategic support to the coalition of Queensland community groups that secured this important reform. We will continue to support Queensland community groups to use the Human Rights Act to advance people's rights in Queensland.

► This year, the Human Rights Law Centre welcomed our first Government Relations Manager, Lauren Frost, and our first Digital Producer, Roselina Press.



Moves for Human Rights Charters across Australia

The Human Rights Law Centre is also supporting efforts to achieve Human Rights Charters in New South Wales and Western Australia. We want to secure Charters in all Australian jurisdictions to ensure better legal protection of human rights across Australia.

Pushing for balanced Religious Discrimination legislation

The Human Rights Law Centre has long advocated for comprehensive, fair and effective anti-discrimination laws across Australia. Australia needs stronger protections from discrimination for people of faith, but unfortunately, draft legislation released by the Morrison Government this year contained a number of major flaws and failed to strike the right balance.

By prioritising the interests of doctors who conscientiously object to providing certain health services like abortion, the draft laws would threaten the ability of women and LGBTIQ people in particular to get the health care they need.

We engaged with the Government and in the media to highlight flaws in the proposed laws and ways to

fix them. We also highlighted the fact that the Prime Minister has not delivered on his promise to address discrimination against LGBTIQ children in religious schools. It is outrageous that children can still be expelled from a school because of their sexuality or gender identity.

► Hugh de Kretser with President of the Australian Human Rights Commission Rosalind Croucher AM and UN High Commissioner for Human Rights Michelle Bachelet.





Protecting the human rights of refugees & people seeking asylum

Our vision

Australia's cruel deterrence regime is replaced with a fair and humane response to people who are forced to leave their homes, which focuses on safe passage and treats people seeking asylum with dignity, compassion and respect.

Supporting Abdul aziz Muhamat to address the United Nations

Abdul aziz Muhamat fled the war in Darfur, Sudan in 2013. He came by boat to Australia seeking safety but instead was forcibly taken to Manus Island.

We began working with Aziz in 2016 on one of Daniel Webb's trips to Manus. Aziz was already a prominent leader and advocate for the men trapped there. In February this year, Aziz received permission to travel to Switzerland to receive the prestigious Martin Ennals Award for human rights defenders. Aziz brought an asylum claim in Switzerland, which we supported, and he finally secured his freedom and safety when the application was approved. Aziz now lives in Geneva where he continues his human rights advocacy for the men and women still trapped in offshore detention.

Aziz delivered two statements on behalf of the Human Rights Law Centre at the United Nations Human Rights Council urging the United Nations to hold Australia to account for its shameful continued human rights violations in Papua New Guinea and Nauru. Aziz's work is a powerful reminder of the incredible resilience of people sent by Australia to offshore detention and the incredible human potential being wasted there.

▲ Human rights defender Abdul aziz Muhamat in Geneva where he is now living after being detained on Manus Island for six years.



Families reunited after agonising separation

This is baby Grace (not her real name). Grace was born in an Adelaide hospital last year. Her mother, a refugee, had been held in Nauru for years and was finally brought to Australia for medical treatment when she was pregnant. But the Australian Government refused to let Grace's father come with his wife. He was forced to remain behind in Nauru.

Grace's mother found herself caring for her newborn baby in a foreign place without the support of her husband who was trapped almost

5000 km away on a remote island in the middle of the Pacific. Grace's father couldn't hold his daughter when she was born. He couldn't watch her learn to crawl or speak her first words. He couldn't be there to celebrate her first birthday. No family should have to endure this suffering.

Grace's story highlights just one of the ways that the Australian Government's refugee policy inflicts tremendous cruelty on innocent people. It is a story that was repeated for dozens of families agonisingly separated between

Australia and offshore detention in Nauru and Papua New Guinea.

Husbands and wives were ripped apart. Siblings were separated and several fathers had never met their own babies. Some families hadn't seen each other for five years and were losing hope of ever seeing each other again.

Last year, we launched our campaign to end this cruel separation and reunite families. We lodged a major complaint against Australia at the UN on behalf of 63 people separated between Australia and offshore detention in Papua New Guinea and Nauru. We brought legal action in Australia and we undertook prominent advocacy in the Australian media.

Our action worked. Every single one of the families that we represented are now together in Australia. It has been incredible to see kids hug their dads for the first time, husbands and wives reunited and families crying with joy at being together again.

But while these families are finally in Australia together, their lives remain precarious. The Morrison Government refuses to allow them to apply for a protection visa here and maintains the threat of deportation back to Nauru and Papua New Guinea. Our work continues to ensure that they can have a safe and secure future together.

All kids are now off Nauru

► Human Rights Law Centre's Freya Dinshaw with the Asylum Seeker Resource Centre's Kon Karapanagiotidis, GetUp's Shen Narayanasamy, the Refugee Council of Australia's Kelly Nicholls and Welcoming Australia's Brad Chilcott in Parliament.



In June 2018, the Australian Government was still detaining 142 children in Nauru. These children and their families were suffering. After years of indefinite detention, children as young as nine were trying to end their own lives.

As the crisis escalated, we joined with partners to launch the campaign #KidsOffNauru to end the detention of children in Nauru. We played a critical role through strategic advocacy, political outreach and advising and supporting refugee families in Nauru. The campaign, together with the legal action brought by us and partners, triggered a dramatic shift in public opinion. In February this year, the last children in Nauru were transferred off the island.

Securing urgent medical evacuations from offshore detention

Six years of limbo and suffering has caused a major health crisis in Australia's offshore detention centres in Papua New Guinea and Nauru. Medical care is poor. The Australian Government repeatedly ignored or delayed acting on medical advice. People have died from a lack of proper medical care.

In response to this appalling and rapidly deteriorating situation, we established an unprecedented pro bono coalition to take urgent legal action in the Federal Court to bring people to Australia to receive the medical care they needed. The coalition included more than 13 law firms and over 30 barristers across three states, supported by over 60 expert pro bono doctors and social workers.

Every single one of our cases was successful. Many were harrowing and involved urgent court action. One case was heard by a Federal Court judge at 1am on a Sunday morning for a young child who doctors advised might die within 48 hours. Three cases were heard on Christmas Eve. In just six months, we secured urgent transfers to Australia for over 160 people, including more than 50 children.

Securing the Medevac legislation and medical transfers



February, the Nauruan Government banned telemedicine to prevent Australian doctors from speaking with patients in Nauru for medical assessments.

◀ Human Rights Law Centre's Hugh de Kretser in Parliament with Kerryn Phelps AM.

The Australian Government then refused to accept Medevac applications where doctors had assessed people's healthcare needs based on their detailed medical records, despite this being in line with standard Australian medical practice.

We challenged the Australian Government's refusal in the Federal Court and won a major victory that has enabled sick men and women in Nauru to access Medevac transfers for critical treatment. The Australian Government appealed the decision but we fought them in front of the Full Bench of the Federal Court. Just two weeks ago, the Full Bench dismissed the Government's appeal.

The Morrison Government is now trying to repeal the Medevac laws. At the time of writing, we were in Parliament working to save these laws. The crossbench vote in the Senate will be crucial. Together with our key partners, we launched a petition to #SaveMedevac that was signed by 51,000 people, which we took to Canberra to show politicians that everyone deserves proper medical care.

Whatever happens with the vote on the Medevac laws, we will continue to work hard to support the men and women in offshore detention and bring an end to this dark chapter in Australia's history.

No one should have to go to court to get medical care. Last year, we worked with partners including the Asylum Seeker Resource Centre, GetUp!, World Vision and the Refugee Council of Australia to push for legislation to ensure that people held offshore would get the medical help they needed by putting doctors at the centre of decisions about medical transfer.

This work culminated in February in the historic passage of the Medevac legislation. This legislation creates a fair and transparent process for medical evacuations of sick refugees and people seeking asylum to Australia.

The fact that the legislation was passed with cross-party support and despite government opposition represented a major breakthrough – for the first time in years, there was a break in the bipartisan consensus that has plagued Australia's refugee policy.

Our expert legal advice and advocacy in Canberra during crucial periods of negotiation ensured that the interests of people offshore remained paramount at all times.

After the Medevac laws were passed, we played a key role in establishing the Medical Evacuation Response Group (Medevac Group). This partnership of refugee support organisations works with a large team of incredible pro bono doctors to ensure the safe, orderly and effective submission of applications on behalf of unwell refugees for transfer to Australia for medical care. So far this group has secured approval for over 200 people to be transferred to Australia for medical treatment.

As part of our work in the Medevac Group, we ran a legal challenge to the Australian and Nauruan Governments' attempts to frustrate the Medevac process. Shortly after the Medevac laws passed in

► Human Rights Law Centre's David Burke at the High Court of Australia.



Ongoing High Court action to stop deportations to Manus and Nauru

For more than four years, we have fought to prevent the deportation of children, women and men back to serious harm in offshore detention.

Hundreds of people have been evacuated from offshore detention to Australia for urgent medical care. They include women sexually assaulted in Nauru, men attacked and seriously injured on Manus and

children so traumatised by years of indefinite detention that they had lost the ability to eat or speak and needed urgent psychiatric care.

We continue to lead an extraordinary partnership of pro bono partners in high pressure, high stakes legal action in the High Court of Australia. Through this work, we have prevented the deportation of more

than 550 people, including more than 200 children to offshore detention. Every deportation we prevent is a pivotal moment in the life of a person who has sought safety from Australia. Our cases have meant that kids spent their childhoods in Australian schools, parks and homes instead of languishing in a detention camp offshore.

Shining a light on medical neglect in offshore detention

► Human Rights Law Centre's Katie Robertson at the Coronial inquest investigating the death of Omid Masoumali.



Omid Masoumali, a young Iranian refugee, and his partner fled their country in search of safety. Instead, the Australian Government detained them in Nauru where

they spent almost three years in limbo, in conditions described by the United Nations as “cruel, inhumane and degrading”.

Omid tragically died after setting himself on fire in Nauru. His medical evacuation from Nauru to a specialised burns unit in Australia took over 30 hours.

Together with Maurice Blackburn Lawyers, we are representing Omid's partner in the Coronial Inquest into his death. Medical evidence at the inquest in February indicated that Omid would have had a 90–95 per cent chance of survival if he had been treated in Australia within an adequate timeframe. Omid's partner provided crucial evidence at the inquest.

The inquest is an important opportunity to expose the inhumane conditions suffered by refugees and people seeking asylum held offshore in Nauru. The Coroner is expected to deliver his findings in 2020.



“Our mum Tanya Day died because Victoria Police targeted her for being drunk in public, and then failed to properly care for her after they locked her up in a police cell. We are waiting to hear from the courts whether the police will be held to account.

Day family

Aboriginal & Torres Strait Islander peoples’ rights

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.

Justice for Tanya Day

Tanya Day was a proud Yorta Yorta woman and much-loved sister, mother, grandmother and community advocate. In December 2017, she fell asleep on a train from Echuca to Melbourne. A train conductor woke her up and, despite her doing nothing, deemed her “an unruly Indigenous woman” and called the police.

Rather than taking Tanya Day home or to a hospital, the police arrested her for being drunk in public. She was locked up in a concrete cell. She fell and hit her head on a number of occasions, but the police officers responsible for her care failed to properly check on her. She lay injured on the floor for three hours. When the officers finally entered her cell, they called 000 but told the ambulance officers a self-serving, untrue story about how she fell. She later died from a brain haemorrhage.

The Human Rights Law Centre is representing Tanya Day’s family in the coronial inquest into her death. In a landmark decision, the Coroner agreed to look at the role systemic racism played in her treatment and death.

This is the first time in Australia that a court has considered whether institutional racism is a driving factor of Aboriginal deaths in custody.

We assembled an exceptional team of barristers who cross-examined over 30 witnesses over three weeks, with everyone working to ensure the Coroner’s findings reflect the truth of why Tanya Day was arrested and died, with recommendations to prevent future Aboriginal deaths in custody. The Coroner will hand down her decision in 2020.

“No police officer has ever been held criminally responsible for an Aboriginal death in custody in Australian legal history – despite hundreds of Aboriginal people dying in custody. As Aboriginal people, we know that racism was the cause of our mum’s death and is the cause of so much harm in this country.”

Day Family

▲ Tanya Day’s family hold a smoking ceremony before the inquest into their mum’s death in police custody. Credit: Charandev Singh

► Tanya Day's family Belinda Day (speaking) with Kimberly Watson, Warren Stevens and Apryl Watson. Credit: Charandev Singh



Repealing the offence of public drunkenness

► Human Rights Law Centre's Shahleena Musk with Apryl Watson at a Melbourne event calling for the offence of public drunkenness to be repealed. Credit: Jon Tjhia



Tanya Day's family are formidable advocates. As part of this case, we are working with them and the broader Aboriginal community to abolish the offence of public drunkenness – a key recommendation of the Royal Commission into Aboriginal Deaths in Custody almost 30 years ago. At the time Tanya Day was locked up, Aboriginal women were at least ten times more likely to be targeted by police for being drunk in public than non-Aboriginal women.

The law criminalises behaviour for some people that is completely overlooked for others – most Australians will never be arrested on their way home from the races or a night out with friends.

We met with ministers and decision makers, engaged with media and rallied the broader sector to push for this reform. Together with the Day family, our advocacy led to the Victorian Government committing to abolish this discriminatory offence and replacing it with an Aboriginal-led, public health response.

“The Andrews Government is doing the right thing repealing these discriminatory laws and putting in place an Aboriginal-led, public health response. If somebody is too drunk, they should be taken home or somewhere safe. They should not be behind bars.”

Ruth Barson

This is an incredible step forward, but it's also bittersweet. Had the Victorian Government complied with the recommendation of the Royal Commission into Aboriginal Deaths in Custody 30 years ago, Tanya Day would still be alive today. As the inquest concludes and we await the Coroner's findings, we will keep pushing for accountability for deaths in custody and for the recognition of the corrosive impact of systemic racism in our justice system.

“Ten-year-old kids belong in schools and playgrounds, not in prisons, but Australia’s archaic laws are ripping children from their families, community and culture and throwing them into concrete cells. Decent politicians would raise the age of criminal responsibility to prevent harm to vulnerable children behind bars.”

Shahleena Musk



Fighting to keep kids in schools and communities, not in prison

Right now, across Australia, laws allow ten-year-old kids to be arrested, hauled before courts and locked away in prisons. We know that sending kids to jail causes terrible harm, yet each year around 600 kids under the age of 14, the majority of whom are Aboriginal or Torres Strait Islander, are torn from their families and communities.

The Human Rights Law Centre has been advocating for governments to listen to the overwhelming evidence that shows that kids have a much brighter future when they stay in their communities. Together with Aboriginal partner organisations, we’ve been calling on all Australian governments to raise the age of legal responsibility from ten to 14 years.

We’re coordinating coalitions of lawyers, doctors and advocates

to push for this reform across Australia. We’ve met with key decision makers and ministers in almost every jurisdiction and we’ve spoken about children’s rights on national radio and television. Momentum is building, with the Australian Medical Association and the United Nations calling on governments to raise the age.

In September, Shahleena Musk and Edwina MacDonald worked with Djujan, the 12-year-old star from the powerful documentary *In My Blood It Runs*, his family and the film-makers at the United Nations in Geneva. We supported Djujan to deliver an impassioned statement to the Human Rights Council about the need to raise the age of legal responsibility so that kids aren’t hurt in prisons and the need for Aboriginal-led schools. Djujan was the youngest person ever to address

the Council. After his speech, UN Human Rights Commissioner Michelle Bachelet requested to meet Djujan, saying she was “shocked to learn that the age of criminal responsibility in Australia is only ten years old.”

Shahleena also briefed the Committee on the Rights of the Child, informing its review of the Australian Government’s record on the rights of children. The Committee subsequently called on Australia to raise the age.

Raising the age of legal responsibility is a straightforward reform that will make a huge difference. Together with our partners, we’ll keep pushing to keep kids in classrooms and playgrounds, and at home with their families and communities, not in courtrooms or prison cells.

Changing the Record on Indigenous over-imprisonment

More people in Australia are being removed from their families and communities and forced into prisons than at any other time in our history. Aboriginal and Torres Strait Islander peoples are being hit hardest. Government laws and policies across Australia are criminalising poverty, entrenching racial injustice and paving the way for the mass-imprisonment of Aboriginal and Torres Strait Islander peoples.

The Human Rights Law Centre is a founding member of Change the Record, a coalition of leading Aboriginal and Torres Strait Islander and human rights organisations working to end the mass imprisonment and disproportionate violence experienced by Aboriginal and Torres Strait Islander people. We are part of the steering committee which is instrumental in advancing the policy and advocacy goals of the coalition.

As part of the coalition, we have met with members of parliament, ensuring the voices of Aboriginal organisations are at the heart of advocacy, pushing for a fair and just legal system for all.

In the last year the coalition has been influential in leading national efforts to end the prosecution and imprisonment of children, including assisting with a motion in the Senate and a private member’s bill to reform Commonwealth laws.

Building a fair youth justice system in the Northern Territory

► Shahleena Musk and Ruth Barson of the Human Rights Law Centre's Aboriginal and Torres Strait Islander peoples' rights team.



Since the release of the Northern Territory Don Dale Royal Commission's recommendations, the Human Rights Law Centre has been working with key youth justice stakeholders, including Aboriginal organisations and government representatives, to implement key recommendations.

We have been instrumental in reforms to laws and policies that have increased access to diversion and support for families, which will help keep kids out of prison. We are proud to have seen this work lead to a reduction in prison numbers and particularly in the number of kids in prison on remand.

Challenging mandatory sentencing laws in WA

“This boy is too young to have a licence or a Facebook account, yet he has had to front the Supreme Court and argue against laws that could send him to prison.”

Shahleena Musk

Western Australia is the only jurisdiction that still sends kids to prison under mandatory sentencing laws.

In March, together with the Aboriginal Legal Service of Western Australia, we represented a 12-year-old Aboriginal boy who faced prison under the state's punitive three-strikes burglary laws. The boy had serious neurodevelopmental impairments and was following older boys at the time of the trouble.

In a significant decision, Supreme Court overturned the boy's sentence and made it much easier for other children to avoid being sentenced to an automatic 12 months in prison as a result of draconian mandatory sentencing laws.

We continue to advocate for all mandatory sentencing laws to be abolished because we know that these laws perpetuate generations of discrimination by the legal system against Aboriginal and Torres Strait Islander peoples.

Getting kids out of police cells in Queensland

“Holding children in police watch houses for weeks on end is not just cruel, it is unlawful. The Queensland Government has a legal obligation to move kids out of watch houses quickly – rather than leaving them to languish. No matter what the policy challenge is, unlawfully holding children in inhuman conditions can never be the answer.”

Ruth Barson

In July, the Human Rights Law Centre secured an important victory in the fight for a fair and humane youth legal system in Queensland. After months of public pressure, and spurred by our threat of imminent court action, the Queensland Government agreed to move kids out of police cells and to work to end the practice of holding kids in police watch houses.

Earlier in the year, journalists at Four Corners aired an exposé into the treatment of kids in Queensland's police cells. We became involved when the Government failed to end this appalling practice.

Hundreds of kids across Queensland had spent weeks on end locked in tiny concrete police cells built for adults. With no access to sunlight, education or proper health checks, police watch houses

are no place for children. On any given day, there were close to 80 kids, some as young as 10, being held in these horrific conditions.

Working in partnership with the Aboriginal and Torres Strait Islander Legal Service, Caxton Legal Centre and a team of pro bono barristers, we threatened to take the Queensland Government to court, arguing that it was unlawful to warehouse children in police cells and that kids have basic rights to family, fresh air and education. Just before we were due to file the court documents, the Queensland Government made the announcement.

This important win for children's rights in Australia was the result of a strong collaborative effort between journalists, lawyers and human rights advocates.

Raising the alarm on Aboriginal and Torres Strait Islander women's over-imprisonment

Building on our influential 2017 report with Change the Record on Aboriginal and Torres Strait Islander women's over-imprisonment, the Human Rights Law Centre has continued to raise the alarm on this rapidly worsening problem and to push for reform to tackle it. We engaged with the Aboriginal and Torres Strait Islander Social Justice Commissioner's *Wiyi Yani U Thangani (Women's Voices)* project to urge the adoption of strategies to

address the over-imprisonment of Aboriginal and Torres Strait Islander women and girls. We also took our advocacy to the UN, partnering with Antoinette Braybrook, CEO of Djirra, who delivered a statement to the UN Human Rights Council highlighting that women are being unfairly torn from their families and imprisoned for issues relating to poverty, disability, family violence, homelessness and trauma.

“We must see a move away from tough on crime and law and order approaches. Australian governments must halt building new prisons and expanding them. They must stop locking up our people and taking our mothers away.”

Antoinette Braybrook, CEO of Djirra

Pushing for independent investigation of police misconduct



Horrific cases of police brutality continue to come to light, revealing systemic problems and a lack of accountability within Victoria Police. In collaboration with lawyers, advocates and victims of police abuse, the Human Rights Law Centre continues to advocate for independent investigations of all serious cases of police misconduct. To end wrongdoing and ensure accountability, the practice of police investigating police must end.

◀ Human Rights Law Centre's Ruth Barson with the family of Tanya Day who are calling for police to stop investigating police. Credit: Charandev Singh

Stopping the Australian Government from making life harder for mothers

Single parents have enough on their plates and experience poverty at much higher rates than two-parent families. Rather than recognise the enormous burden shouldered by single parents, most of whom are women, the Australian Government introduced a program that asks them to do more or face being financially penalised.

Called 'ParentsNext', this punitive program targets single parents with babies as young as six months. Aboriginal and Torres Strait Islander parents are disproportionately affected. The program is linked with a largely automated system of financial sanctions. In some of the worst cases, women with young kids have been left without money

for days because of computer and service providers' mistakes.

The Human Rights Law Centre is collaborating with peak Aboriginal and women's organisations to end this discriminatory program. We briefed a Senate committee, participated in media interviews, met with politicians and advocated to the United Nations.

As a result of the collaborative campaign, the government was forced to make some changes. While these were positive, they are a long way from addressing the sexist and racist foundations of the program. We continue to collaborate with Aboriginal organisations for the program to be scrapped.

“Our government should be thanking women for the endless hours of breastfeeding and nappy-changing, not threatening to leave them without money for food for them and their babies.”

Adrienne Walters



Challenging the discriminatory work-for-the-dole regime harming remote Aboriginal communities

The Australian Government's remote work-for-the-dole scheme, the 'Community Development Program', has been causing harm in remote Aboriginal and Torres Strait Islander communities since July 2015.

At its worst, the program required some people in remote communities to work 760 hours more each year than their inner-city counterparts, without receiving any extra remuneration. Many people have had to work five hours per day, five days per week doing tasks that they should have been employed to do, but instead have received a social security payment equivalent to nearly half the national minimum wage. A punitive no-payment penalty system has driven up poverty and hunger in families.

As a key member of a dedicated coalition led by Aboriginal Peak Organisations NT, we've been advocating for the government to scrap this oppressive program, lobbying decision makers and supporting legal actions under the Racial Discrimination Act. We've been calling on the Government to listen to Aboriginal and Torres Strait Islander peoples who have developed alternative proposals for job creation and wellbeing in their communities.

As a result of sustained advocacy by Aboriginal, human rights and union groups, the Government introduced reforms in March 2019 that have alleviated some of the worst harms of the program.

“The system is discriminatory, it's unfair that we have to do twice as many hours of activities as people in the cities. The [program] is also confusing, things aren't properly explained to us. It's hard to see the point. The activities don't help us get jobs.”

Jamie Ahfat, forced work-for-the-dole participant, Northern Territory

Combating the coercive and discriminatory cashless debit card policy

Since the Australian Government's Northern Territory Intervention in 2007, tens of thousands of people have been forced to participate in Income Management – a policy that denies many people the freedom to control their personal lives. Now, the Federal Government is trying to impose a new form of income control, in what Aboriginal organisations have described as “another Intervention” into the NT.

Alongside the Aboriginal Medical Services Alliance NT, Central Land Council and Arnhem Land Progress Association, we are fighting against a Bill that would turn the whole Northern Territory into a Cashless Debit Card trial site.

We have briefed a Senate Committee and are meeting with politicians, advocating for this discriminatory bill to be rejected by Parliament. It is time for the Government to listen to Aboriginal people in the NT, who are demanding a transition away from compulsory income quarantining, towards policies that return freedom and control to their communities.

“The unwarranted haste of imposing the cashless welfare card on our communities recalls for us the disastrous and ill-advised imposition of the Intervention on our communities without consultation and without our consent. The injustice and trauma of the Intervention still burns with us. Once again, we are stigmatised and targeted as not being capable or worthy of managing our own affairs.”

John Paterson, Aboriginal Medical Services Alliance NT



Dignity for people in prison

Our vision

Governments are working towards closing rather than opening prisons and all people behind bars are treated with dignity, with prison operators and governments held to account for mistreatment.

Ending routine strip searching

Strip searches involve forcing someone to remove their clothes in front of two prison guards. Routine strip searches are invasive, dehumanising and an utterly archaic practice. Children as young as 10 are being routinely strip searched by prison guards.

The Human Rights Law Centre made a suite of Freedom of Information applications which unearthed shocking data on the huge numbers of strip searches that governments are undertaking on women and children in prisons across Australia.

Children in prison are much more likely than children in the community to be survivors of violence and sexual abuse and to struggle with their mental health. But, in one month alone, kids at two facilities in NSW were strip searched 403 times. Only one item – a ping pong ball – was found.

The information we uncovered led to Tasmania banning the practice of routinely strip searching children. This built on the progress made in 2018, with landmark laws ending routine strip searching of children in the Northern Territory and policy reforms in Victoria, which have drastically reduced the use of strip searches in women's prisons.

The Human Rights Law Centre also joined the WA Independent Inspector of Custodial Services' call for an end to routine strip searches. The Inspector called them "pointless, repetitive and dehumanising" given the harm caused and the extremely low rates of prohibited items detected. Almost a million strip searches had taken place in WA prisons in five years, including strip searches of 374 children (half who were four years old or younger) visiting family in prison.

We will continue to push for a swift end to this degrading practice in all prisons, with a focus on women's and kids' prisons.

▲ Human Rights Law Centre's Ruth Barson.

Shining a spotlight on Victoria's broken mental health system

Increasingly, prisons are becoming warehouses for people living with a mental illness. People experiencing mental health issues are being forced into the quicksand of the criminal legal system, rather than being provided with care and supported in the community. Fifty-three per cent of young people in Victorian prisons present with mental health issues. Sixty-one per cent of men and 65 per cent of women in prison report experiencing a mental health condition.

The Human Rights Law Centre engaged with the Royal Commission into Victoria's Mental Health System to address this issue. We recommended keeping treatment and support in the community, raising the age of criminal responsibility from 10 to 14 years, providing more diversion opportunities at all points in the criminal legal process and reforming bail laws to prevent the criminalisation of people experiencing mental illness.

“Prisons are fundamentally ill-equipped to help people, especially young people, experiencing mental illness. The Victorian Government should improve diversion opportunities at every stage of the criminal legal process and raise the age of criminal responsibility. It is inhuman to use prisons as a dumping ground for people with mental illness.”

Shahleena Musk



“In total I was put in the slot for nine months. I've never been the same since. A letterbox flap would drop outside, and I'd jump. Or it would be just the sounds; people walking around behind me ...

The day I was let out of here, they led me out of the slot in handcuffs to the front gate ... I was on the bus in green pants, everyone was looking at me. I jumped off the bus early and started crying ...

Stopping solitary confinement in Victoria

Solitary confinement can inflict long-term and irreversible harm on people, from anxiety and depression, to hallucinations, psychosis and risk of suicide.

This year, our advocacy played a key role in progressing an end to solitary confinement in Victoria. Our team provided expert and practical advice that helped shape a landmark report from the Victorian Ombudsman, which for the first time called on the Victorian Government to prohibit the use of solitary confinement.

The report details harrowing experiences, including cases of young people in Victoria's Port Phillip Prison held in effective solitary confinement for over 100 days and put into cells described as “exceedingly bleak” and “brutal”, with faeces and flooded floors. At the Malmsbury youth jail, a 16-year-old Aboriginal boy was isolated 45 times in 12 months.

We continue to advocate for all governments to ban solitary confinement in law.

I couldn't wait in the line at Centrelink with 100 other people. Do you know how hard that is, when the only person you've seen for the last nine months was yourself in the mirror?”

Adult prisoner, quoted in the Ombudsman's report on solitary confinement

“We are grateful to the countless women who have been fighting for this landmark reform for decades. It is a critical reform, supported by 77 per cent of people in NSW, which will see abortion finally treated as a healthcare matter rather than a crime.”

Edwina MacDonald



Reproductive rights

Our vision

Every person has the right to make decisions about their own body. Australian laws and policies must promote the health, dignity and reproductive freedom of women and all pregnant people.

A huge win for women in NSW

In a huge win for women's reproductive freedom, abortion is no longer a crime in NSW. NSW law now recognises the right of women, and all pregnant people, to make choices about their bodies and futures in consultation with their doctor, free from the fear of prosecution.

Together with the NSW Pro Choice Alliance, led by the Women's Electoral Lobby, we worked with MPs across the political divide to relegate NSW's 119-year-old criminal abortion laws to the pages of history. Across critical stages of the reform process, we provided expert legal advice to MPs and key stakeholders on the Bill, proposed amendments and advocated for laws that would respect autonomy and equality. Our work built on our successful advocacy with key partners to decriminalise abortion in Queensland last year.

With 77 per cent of people in NSW supporting a woman's right to choose, this should have been a simple reform. But we had to overcome the cynical tactics of a handful of politicians determined to hold back women's rights.

Now, we are setting our sights on reform in South Australia and Western Australia. South Australia's 50-year-old abortion laws still make it a criminal offence to terminate a pregnancy in certain circumstances. We engaged with the South Australian Law Reform Institute's review of South Australia's outdated abortion laws, and welcome the Attorney-General's recent commitment to introduce a bill to decriminalise abortion in early 2020.

In Western Australia, abortion continues to be regulated as an exception to criminal laws, which is causing hardship for women in distressing circumstances. We will continue to advocate for abortion to be regulated as healthcare, rather than as a criminal matter.

The Human Rights Law Centre is committed to eradicating laws that deny women freedom and control over their bodies. We will continue to fight to remove every last legal barrier to reproductive health care in Australia.

▲ Human Rights Law Centre's Edwina MacDonald calls for abortion to be decriminalized in NSW.

► Human Rights Law Centre's Adrienne Walters, Maurice Blackburn's Jennifer Kanis and Dr Susie Allanson formerly of the East Melbourne Fertility Control Clinic.



“With today’s decision, women in Victoria and Tasmania never again need to worry about being forced to run a gauntlet of abuse to access abortion care. Safe access zones are here to stay.”

Adrienne Walters

High Court affirms the right to safe and private access to abortion

No one should have to run a gauntlet of abuse and harassment just to see their doctor. Safe access zones around abortion clinics ensure the safety, dignity and privacy of women accessing reproductive healthcare.

Four years ago, we played a central role alongside staff at the Melbourne Fertility Control Clinic

in establishing safe access zone laws in Victoria. The laws put an end to the abuse and harassment that women and health clinic staff had endured for decades.

So when anti-abortionists trying to wind back the clock on women’s rights challenged these laws in the High Court, we responded. Together with an expert pro bono legal

team – DLA Piper and barristers Kate Eastman SC, Frances Gordon and Chris Tran – we successfully intervened in the case to defend safe access zones.

In a historic decision in April, the High Court confirmed that the safe access zone laws in both Victoria and Tasmania are valid. Safe access zone laws are here to stay.

Securing safe access to reproductive healthcare around Australia

The Human Rights Law Centre has helped to achieve safe access zone laws now in all Australian jurisdictions barring South Australia and Western Australia. We are now working closely with grassroots advocates and politicians to secure safe access zone laws in those remaining states. In South Australia, a private member’s bill was introduced into Parliament in September. We welcomed the development but urged minor amendments to ensure that the

laws strike the right balance between a woman’s right to access healthcare and freedom of expression. In 2020, we’ll be fighting to end anti-abortion harassment outside clinics in Western Australia. The importance of these reforms was underlined by the approval of 40-day permits for anti-abortionists to undertake ‘prayer vigils’ in two locations in WA this year, exposing staff and patients to intimidation and harassment.



Democratic freedoms

Our vision

Australia's democracy is thriving with an informed, fair and diverse public debate, strong participation by a robust civil society and a free and independent press. Our governments always act in the public interest and are open and accountable to the people they serve.

Defending our freedom to gather together and protest

The Human Rights Law Centre defends protest rights to ensure that Australians are free to gather together and speak out on the things that they care about. From winning the right to vote for women to saving the Franklin River, the power of protest has been vital in achieving positive change in Australia.

Despite the 2017 defeat of Tasmania's harsh anti-protest laws in the High Court, we are seeing a worrying proliferation of anti-protest laws that restrict people's ability to engage in peaceful protest. These laws strike at the heart of our democracy. The Human Rights Law Centre has been at the centre of efforts to respond.

In October, in the wake of several high-profile climate action protests, the Queensland Parliament passed a law that unreasonably criminalises peaceful protest tactics with penalties of up to two years. The Palaszczuk Government failed to provide any evidence to support their claims that the new laws were needed.

The NSW Government also introduced harsh, unnecessary proposed laws targeting protest activity on agricultural and forestry land, including public land.

At the Federal level, the Morrison Government introduced laws targeting agricultural protest and announced it would seek to outlaw secondary boycott campaigns that try to pressure Australian companies not to do business with other companies involved in environmental harm or human rights violations.

We will continue to push for the withdrawal, amendment or repeal of excessive anti-protest laws and explore options for challenging them in the courts.

▶ Alice Drury and Emily Howie of the Human Rights Law Centre's democratic freedoms team.



Protecting whistleblowers and defending press freedom

The June Federal Police raids on the ABC headquarters and journalist Annika Smethurst's home were another chilling demonstration of how excessive government secrecy, increasing authoritarianism and a creeping surveillance state are undermining press freedom and the ability of whistleblowers to expose wrongdoing.

The raids follow the aggressive prosecution of a number of whistleblowers, including the shameful prosecution of Witness K and his lawyer Bernard Collaery for their role in revealing that the Australian Government had bugged the Timor-Leste cabinet room during sensitive negotiations about oil and gas revenue.

Whistleblowers and public interest journalism are vital to the health of our democracy. Australians have a right to know what our governments are doing in our name. Australian whistleblowers and journalists have revealed misconduct ranging from police corruption to kerosene baths in aged care and the inhumane treatment of people in immigration

detention. Courageous people who expose wrongdoing should be encouraged to come forward and protected when they do so. Instead, they are being threatened with a prison sentence.

The Human Rights Law Centre has been working for years to protect press freedom and the ability of whistleblowers to reveal wrongdoing. This work intensified this year. In the wake of the police raids, we briefed two separate parliamentary inquiries about the urgent need for the reform of dangerous laws that allow mass surveillance of communications and that criminalise whistleblowers. Working with key partners, we have identified a range of policy reforms the Australian Government needs to adopt and we have advocated for these reforms in Canberra and in the media.

In response to this and the wider public criticism, the Attorney-General announced that he has instructed Commonwealth prosecutors to obtain his approval before prosecuting any journalists.

This announcement barely addresses the press freedom issues raised by the raids. It won't prohibit the prosecution of journalists for public interest journalism, it will only require the Attorney-General's consent to do so. The Attorney-General also announced that the Government will look into simplifying and strengthening whistleblower protections.

We will continue to defend press freedom and we will continue to advocate for laws that encourage and incentivise whistleblowers to speak up.

■
“It is shameful to see Witness K and Bernard Collaery prosecuted for revealing that the Australian Government spied on its fledgling neighbour Timor-Leste for financial gain. People who reveal government wrongdoing should be protected, not prosecuted.”
Emily Howie



Fighting corruption

To strengthen democracy and trust in politics, the public needs to know who is influencing political decisions. An Independent Commission Against Corruption (ICAC) inquiry has given NSW a chance to lead the nation on this. ICAC is investigating how NSW laws can improve public scrutiny

over who is meeting with NSW government decision-makers and stop industry from buying political favours.

We engaged with the ICAC review to inform its recommendations and to ensure they strike the right balance. ICAC's suggestions, including

broadening the public lobbying register and strengthening laws to stop politicians and staffers from accepting lobbying jobs after Parliament, are a step in the right direction. We will be advocating with the NSW government to implement the recommendations.

Cleaning up political donations and election spending

The Human Rights Law Centre builds trust in our democracy by working to remove the distorting impact of money in politics, so that politicians are focused squarely on the public interest and the needs of the people.

Limits on political donations and election spending are vital to preventing the undue influence of big money and achieving greater political equality. Without limits, politicians will respond to those with the biggest bank balance, instead of those with the best ideas. The issue was highlighted in the last federal election after Clive Palmer's reported \$60 million campaign spend, double the combined projected expenditure of the Australian Labor Party and Liberal Party.

In the wake of Palmer's spend, we are pushing for urgent reform to limit election spending at the federal level. We led a parliamentary briefing from 11 civil society organisations, representing interests ranging from environmental protection to gambling and gun control reform. We are pushing for a limit on the amount of money political parties, candidates, campaigners and third parties can spend on federal elections.

NSW, Tasmania and the ACT already limit the amount that can be spent during elections and in October the Queensland Government announced that it will limit political donations and spending in Queensland elections. This has the potential to be a game-changing reform to strengthen democracy in

Queensland. Our work also seeks to ensure that spending limits operate fairly across the board and don't inadvertently silence charities or small grassroots campaigns from contributing their valuable perspective on electoral issues.

“Without limits on political donations and election spending, politicians will respond to those with the biggest bank balance, instead of those with the best ideas. Australians are fed up with the status quo. We need a level playing field.”

Alice Drury

Slowing the creep of mass surveillance – facial surveillance and metadata



The Human Rights Law Centre challenges mass surveillance to ensure that charities, journalists, lawyers and activists can freely undertake their work without risks of interference and reprisals.

We played a lead role in raising alarm over the Morrison Government's badly flawed plans to implement a facial

surveillance scheme. We warned the Parliament's security and intelligence committee that the proposed scheme was dangerously overbroad, lacked safeguards and could dramatically alter the freedom of ordinary people going about their daily lives. Our work helped to convince the committee to reject the scheme.

The stalling of the federal proposal does not, however, impact the use of live facial recognition technology at local and state levels. Live facial recognition has reportedly been used covertly by a Perth council and Stadiums Queensland. We are now advocating for robust facial recognition laws across the country built on the principles of privacy, transparency and proper oversight.

We also pushed for the urgent reform of metadata laws. Under the laws, telecommunication companies must retain records of every single person's calls, texts, and internet browsing history for at least two years. In 2015 the Government claimed the mass surveillance laws were necessary to investigate serious crimes like murder, but the data has also been sought to investigate minor offences, such as parking fines and littering, and the laws lack the necessary safeguards to protect our fundamental right to privacy. The Australian Federal Police have also used the laws to access the communications history of journalists.

Defending workers' right to freedom of association

Trade unions play an integral role in a healthy democracy, helping workers to exercise their right to safe and fair work conditions. At a time when wage theft is making headlines, wage growth is at record lows and work is becoming increasingly insecure, the advocacy work that trade unions do on behalf of workers is vital.

This year, however, the Morrison Government revealed plans to impose drastic new regulations on

unions which would undermine workers' ability to stand together. The plans would give it the power to deregister unions, ban officials for misconduct and would give any employer and government Ministers overreaching powers to interfere in union leadership and hinder democratic decision-making by members. The proposed law would allow disqualification of union officials on dubious grounds such as the late filing of paperwork.

It also makes strike action, a fundamental tenet of freedom of association and assembly, a ground for disqualification.

We have advocated against the proposed laws, in the media and by engaging with the Senate committee investigating them. In November, the Government's proposed law was rejected by the Senate.

Ending harsh citizenship removal policies

Stripping a person's citizenship can have devastating consequences. It can separate families, deny freedom of movement and can leave a person stateless and indefinitely detained. Stripping a person's citizenship is a drastic step that must not be done in an arbitrary way.

We have been pushing for the repeal of recently introduced terrorism laws that allow the Australian Government to strip Australian dual nationals of their citizenship. The laws are excessive, unreasonable and lack effective safeguards. Citizenship can be lost for lower level criminal conduct

and in some circumstances without a court determining that the relevant conduct occurred. This means people can have their citizenship removed based on false information, in a scheme with insufficient opportunities to rectify incorrect decisions. Worse still, children as young as 10 can have their citizenship removed. Since the laws were introduced, at least one person's citizenship has been wrongly revoked based on an incorrect assumption of dual nationality.



Business and human rights

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.

Securing new modern slavery laws



In recent years, a series of scandals have revealed forced labour in the supply chains of some of Australia's biggest brands; Burmese migrants chained to Thai fishing boats supplying our seafood; Australian surfwear made in North Korean sweatshops; and even here in Australia, people working on farms and construction sites in slave-like conditions. The need for new laws to compel Australian businesses to address modern slavery in their supply chains is acute.

The Human Rights Law Centre has been at the forefront of pushing for the first modern slavery laws in Australia. We have advocated in the media, before parliamentary committees and in meetings with politicians from all political parties.

In January this year, our work paid off with modern slavery laws passing the Australian Parliament. Since then, we have been pushing for the introduction of similar laws in New South Wales.

The new laws will shine a much-needed spotlight on modern slavery by requiring large Australian companies for the first time to open up their books and report publicly on what they are doing to stop slavery in their supply chains.

But transparency is only the first step towards accountability. The new laws have some critical weaknesses. Companies that fail to report or provide false information will face no financial penalties and there is currently no independent oversight to ensure that companies comply. The Human Rights Law Centre will continue to push for stronger laws to eradicate slavery and properly protect the rights of workers who make the products we use every day.

▲ Human Rights Law Centre's Keren Adams with Allan Mogerema, whose community in PNG were forcibly evicted by Australian developers.

◀ Keren Adams presenting to the Modern Slavery Inquiry.

► Keren Adams being shown the site of a mass grave near Kilwa, Democratic Republic of Congo. Community members allege that Australian company Anvil Mining supplied crucial logistical support to the DRC military who carried out the massacre.



Exposing Australian corporate human rights abuses overseas

Our *Nowhere to Turn* report, published in December 2018, highlighted serious human rights abuses by Australian companies operating overseas, with recommendations for reforms to improve accountability and access to justice in Australia.

The report examined ten examples of serious human rights abuses linked to Australian companies,

ranging from the brutal 2014 murder of Reza Berati by G4S guards to BHP's devastating Samarco dam collapse in Brazil and ANZ's involvement in financing land grabs in Cambodia.

The report, which involved collaboration with civil society organisations and unions in a range of countries, has been a key tool in our subsequent advocacy

to the Australian Government on these issues. In addition to reforms to the AusNCP, the report has contributed to a government review in 2019 to consider ways to strengthen Australia's corporate criminal liability laws.

Reshaping Australia's principal corporate complaints body

Australia's primary corporate complaints body 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 assaults and sexual abuse by Australian private contractors on Manus Island and Nauru.

Until recently, the AusNCP was under-staffed, under-resourced and had never made a finding against an Australian company. That's why the Human Rights Law Centre led a two year advocacy campaign to overhaul the body and give it the powers and independence to properly investigate allegations of abuse.

This year our work paid off with the announcement of major reforms to the body. The reforms included the appointment of a new independent examiner, Mr John Southalan, to investigate corporate human rights

complaints, and a new Advisory Board to oversee complaints. Our Legal Director, Keren Adams, was appointed to the Advisory Board in March 2019, and since then has been working to further improve the body.

The overhaul of the AusNCP has already contributed to its first ever finding in 2019 against an Australian company for breaches of the OECD Guidelines, with recommendations for redress to a woman sexually assaulted in one of Australia's offshore detention centres.

“No government can truly stand for human rights while choosing to severely damage the lives of innocent people.”

Edwina MacDonald



United Nations engagement

Our vision

Australia upholds the international human rights standards it has promised to comply with and champions human rights on the world stage.

Holding Australia to account

Australia was elected for a three-year term on the UN Human Rights Council in October 2017, presenting a good opportunity for our nation to play a constructive and principled role on global human rights issues.

To maximise this opportunity, the Human Rights Law Centre launched a dedicated program of action, monitoring the Australian Government's membership, influencing it to take a positive stand on global human rights issues and drawing attention to Australia's domestic human rights failings to build pressure on our Government to improve its human rights record at home.

Our advocacy for Australia to step up its game internationally is having an impact. We saw a great example of this in 2019 when, for the first time, the Government used its voice at the Council to lead a joint statement outlining concerns of serious human rights abuses by Saudi authorities.

Our advocacy for the Australian Government to lift its game and stand up for human rights at home was also successful. We have used each Council session to keep the international spotlight onto the

cruelty of our offshore detention regime, the harm caused by our government's over-imprisonment of Aboriginal and Torres Strait Islander peoples and more. Videos of our statements delivered in front of UN experts and representatives from governments from around the world have generated extensive media coverage and reached hundreds of thousands of people on social media.

Our work at the Council has also contributed to collaborative efforts to strengthen UN human rights mechanisms and we have briefed UN human rights experts and officials on human rights issues in Australia. An example of this was briefing the UN independent expert on poverty on how the Australian Government's use of digital technologies, such as in the Robodebt scandal, was exacerbating income inequality and driving struggling families into deeper poverty. Our briefing informed the Special Rapporteur's report, who warned that there is a grave risk the Morrison Government is "stumbling zombie-like into a digital welfare dystopia" if serious changes aren't made to Australia's social security system.

▲ Human Rights Law Centre's Edwina MacDonald. Credit: Hannah Woodward

▶ Abdul aziz Muhamat at the UN in Geneva.



▶ Djujan meets UN High Commissioner for Human Rights Michelle Bachelet. Credit: United Nations Office of the High Commissioner for Human Rights



▶ Djirra's Antoinette Braybrook addresses the UN Human Rights Council.



Supporting diverse voices to address the UN

In 2019, we prioritised supporting diverse voices to address the Human Rights Council to highlight domestic human rights issues and build pressure for change. Not only is this the right thing to do, it is also effective. Human Rights Law Centre statements were delivered by:

- Abdul aziz Muhamat, a former Manus detainee, who urged the UN to hold Australia to account for its shameful continued human rights violations on Manus and Nauru;
- Djujan, the 12 year old star of the film *In My Blood it Runs*, and the youngest person ever to address the Council, who spoke about the need to raise the age of legal responsibility so that kids aren't hurt in prisons and the importance of Aboriginal led education;
- Antoinette Braybrook, CEO of Djirra, who told of the human toll of the alarming rates of Aboriginal and Torres Strait Islander women's imprisonment and the impacts of punitive welfare policies such as ParentsNext (joint statement with Djirra);
- University of Sydney senior health researcher Cristyn Davies, who called for the renewal of the UN sexual orientation and gender identity expert role and highlighted key challenges for Australian governments (joint statement with the Human Rights Council of Australia).

Maintaining focus on the rights of LGBTQ people around the world

We joined over 1300 non-governmental organisations from 174 countries in successfully calling for the renewal of the UN independent expert on sexual orientation and gender identity. The role has been important in promoting LGBTQ people's rights to be free from violence and discrimination.

Protecting the rights of children

We briefed the Committee on the Rights of the Child for its review of the Australian Government's record in upholding and protecting the rights of children in accordance with international law. As a result, the UN child rights experts said that Australian governments should be doing more to protect and promote child rights, and expressed serious concern over the low age of criminal responsibility, the rate at which Aboriginal and Torres Strait Islander children are forced into prisons and the high number of children in detention without even being charged with an offence.

Opening places of detention to scrutiny

Abuse thrives behind closed doors and Australian governments have maintained an 'out of sight, out of mind' approach to places of detention for too long. It was welcome news that the UN Subcommittee on Prevention of Torture announced that they will visit Australia to shine a light on abuses in places of detention, including adult prisons, youth prisons, police lock-ups and immigration detention facilities. It will be the first inspection since Australia signed the UN anti-torture optional protocol 18 months ago. The Human Rights Law Centre tirelessly advocated for Australia to sign onto this important UN mechanism. We will now work to ensure this international scrutiny is used to hold the government to account for mistreatment in our places of detention.

Standing up for women's reproductive health rights

We were watching when the Morrison Government failed to sign on to a United Nations Human Rights Council statement calling for access to safe abortions, comprehensive sexuality education and sexual reproductive health. We drew media attention to the issue, leading to hours of questioning at Senate Estimates, extensive media coverage and a positive commitment from the Opposition to support women's reproductive health rights.

Our team

Our staff



Hugh de Kretser
Executive Director



Emily Howie
Legal Director



Ruth Barson
Legal Director



Keren Adams
Legal Director



Edwina MacDonald
Legal Director



David Burke
Legal Director



Michelle Bennett
Communications
Director



Tom Clarke
Campaigns Director



Freya Dinshaw
Senior Lawyer



Adrienne Walters
Senior Lawyer



Shahleena Musk
Senior Lawyer



Hollie Kerwin
Senior Lawyer



Scott Cosgriff
Senior Lawyer



Alice Drury
Lawyer



Monique Hurley
Lawyer



Josephine Langbien
Lawyer



Lauren Frost
Government
Relations Manager



Rachel Richmond
Development
Manager



Anna Fordyce
Operations
Coordinator



Roselina Press
Digital Producer



Marta Zajac
Fundraising and
Events Officer



Emma Costa
Administrator and
Paralegal



Alycia Gawthorne
Communications
Officer
(to March 2019)



Arif Hussein
Lawyer
(to September 2019)



Katie Robertson
Legal Director
(February to October
2019)



Lee Carnie
Senior Lawyer
(to August 2019)



Whitney Chen
Administrator
(to September 2019)



Daniel Webb
Legal Director
(on leave of absence,
returning February 2020)

Our board



Cathy Branson
Chair
Former President of the Australian Human Rights Commission



Andrew Carriline
Non-executive director



Chris Sidoti
International human rights consultant



Jamie Gardiner
Vice-President, Liberty Victoria



Padma Raman
Executive Director, Australian Human Rights Commission



Sue Woodward
Head of Not-for-profit Law, Justice Connect



Tim Goodwin
Barrister



Ben Kiely
Partner, King & Wood Mallesons
(from October 2019)



Jessica Kendall
Associate Director, Essential Media Communications
(from October 2019)



Jon Webster
Consultant, Allens
(until October 2019)

Secondee lawyers

Madeleine Causbrook
Ashurst

Tess McGuire
MinterEllison

Anna Lane
MinterEllison (to September 2019)

Dan Poole
Hall & Wilcox (May until September 2019)

Geordie Bundock-Livingston
Ashurst (to April 2019)

Jacinta Fox
Lander & Rogers (to June 2019)

Jordan Tsirimokos
Ashurst (May to October 2019)

Volunteers and interns

Audrey Packer Cook
Volunteer, The University of Melbourne
(to March 2019)

Jamie Gardiner
Volunteer, the Human Rights Law Centre's Expungement Legal Service (to June 2019)

Olivia Henderson
Intern, University of Technology Sydney and King & Wood Mallesons Pathways Program (October 2019)

Administration and finances

The Human Rights Law Centre is provided with bookkeeping, accountancy and administrative services through a shared services agreement with Justice Connect. We are grateful for the support of our Justice Connect colleagues who provide these services.

Sophie Gordon-Clark
Chief Operating Officer

Ella Cattach
Office Manager (Melbourne)

Emma Dunphy
Office Manager (Sydney)

Michele De Gilio
Finance Manager

Shankeetha Thayaharan
Finance and Payroll Officer

Roger Harper
Finance Officer

Marija Ivanovska
Assistant Accountant
(to September 2019)

Financials

Statement of profit or loss and other comprehensive income

For the year ended 30 June 2019

Income	2019 \$	2018 \$
Aboriginal & Torres Strait Islander Rights Program (Including: BB & A Miller Foundation; Corella Fund; Gandel Philanthropy; Kimberley Foundation; Limb Family Foundation; Perpetual; Rae and Peter Gunn Family Foundation; Reichstein Foundation; Ross Trust; Shulu Foundation; Snow Foundation; Trawalla Foundation; Vicki Standish Family Foundation; Vincent Fairfax Family Foundation)	430,412	380,611
Asylum Seeker & Refugee Rights Program (Including: Allen & Overy; Australian Communities Foundation; BB & A Miller Foundation; Grenet Foundation; Lander & Rogers; Planet Wheeler Foundation)	559,960	481,204
Marriage Equality Campaign		511,837
The Myer Foundation – Safeguarding Democracy Grant	159,298	250,000
Equity Trustees – Safeguarding Democracy Grant	61,613	
BB & A Miller Foundation – International Human Rights Grant	100,000	100,000
The Sigrid Rausing Trust	155,853	166,884
Oak Foundation	94,406	
Australian Communities Foundation	101,295	
Victorian Government Department of Justice and Regulation	56,000	55,000
Virgin Unite	50,000	50,000
Caledonia Foundation	50,000	
English Family Foundation	38,498	
Lord Mayor's Charitable Foundation	25,000	
Other Grant Income	303,239	385,961
Individual Donations	327,166	340,835
Corporate Donations	223,975	145,228
Interest	38,315	27,021
Human Rights Dinners & other events	184,899	200,709
Other Income	37,262	29,088
Total Income	2,997,191	3,124,378
Expenditure		
Occupancy expenses	37,316	32,984
Operational and administration expenses	1,032,100	1,197,153
Employee benefits	1,811,385	1,773,362
Total Expenditure	2,880,801	3,003,499
Total Comprehensive Income	116,390	120,879

Statement of financial position

As at 30 June 2019

	2019 \$	2018 \$
Current assets		
Cash and cash equivalents	2,126,067	2,056,422
Trade and other receivables	63,330	103,999
Total current assets	2,189,397	2,160,421
Total non-current assets	158,273	200,414
Total assets	2,347,670	2,360,835
Current liabilities		
Trade and other payables	95,213	88,712
Provisions	276,806	258,180
Grants received in advance	978,239	1,137,154
Total current liabilities	1,350,258	1,484,046
Non-current liabilities		
Provisions	30,345	26,112
Total non-current liabilities	30,345	26,112
TOTAL LIABILITIES	1,380,603	1,484,046
NET ASSETS	967,067	850,677
Equity		
Retained earnings	967,067	850,677
TOTAL EQUITY	967,067	850,677

This is an extract of the HRLC's audited financial statements for the year ended 30 June 2019. For a full version visit www.hrlc.org.au

We couldn't do it without you

Our generous supporters who gave between 30 November 2018 and 1 December 2019

\$50,000+

Australian Communities Foundation – Impact Fund
 Australian Communities Foundation – Williams Fund
 Australian Government – Attorney-General's Department
 B B & A Miller Foundation
 Caledonia Foundation
 Corella Fund
 Global Fund for Human Rights
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Pro bono support from leading law firms and barristers is crucial to our impact. Law firms we worked with over the 2018/19 financial year provided around 10,000 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 around \$4 million. Many barristers provided substantial additional pro bono support. These amounts are 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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Thank you to the many other friends, family and organisations who provided in kind support for our Human Rights Dinners – donating auction items, agreeing to be auctioned, hosting events and much more.

“Giving back makes me feel like I am helping others do things that I don’t have the capacity to do myself at this stage of my life, timewise with my career and geographically, living here in country Victoria.”

Karen Probst



Supporter profile

In 2015, feeling disillusioned with the scapegoating of refugees and the negative impact of money on politics, Karen Probst decided to increase her philanthropic giving and began supporting the Human Rights Law Centre.

Karen had given to charity since the beginning of her career as a lawyer, a tradition passed on to her from her Christian upbringing which taught her to value compassion and empathy towards others. Karen decided to give to the Human Rights Law Centre because of its work advocating for refugees and asylum seekers and its strong track record delivering systems change.

Karen believes that if you look at the world and aren’t happy with what you see then you need to take action and that philanthropy is a great way to make a difference.

“Giving back makes me feel like I am helping others do things that I don’t have the capacity to do myself at this stage of my life, timewise with my career and geographically, living here in country Victoria.”

Karen believes that successful human rights advocacy is dependent on listening to other people, finding common ground and using the right language.

“So many of the issues we talk about can be divisive and talking about the issue itself, rather than the impact it has on people’s lives can be unhelpful. We need to bring it back to the values we agree on –

back to compassionate side. That’s when we shift attitudes”.

“I’ve experienced adversity in my life, I’ve worked hard not to judge others or myself too harshly – everyone has a story and often society is too quick to judge.”

Karen has passed on her interest in social issues to her two children, Campbell and Georgia. Georgia is now following in her footsteps and has become a regular donor to the Human Rights Law Centre.

“When Georgia started her first job, I encouraged her to give back 10 per cent of what she earns. Georgia did some research on the charities I support and she chose to give to the Human Rights Law Centre because it works on a broad range of human rights issues and it’s fighting for systemic change rather than providing material aid to help individuals.”

If you are interested in becoming a regular supporter or would like to make a donation, please contact Rachel Richmond, Development Manager on 03 8636 4488, email rachel.richmond@hrlc.org.au or visit our website: hrlc.org.au/donate

▲ Karen Probst, Human Rights Law Centre donor.

Stand up for human rights



At the Human Rights Law Centre, we believe in a future 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.

With your support, we can make this vision a reality.

Our expert team passionately advocates to ensure values that we all share – like dignity, fairness, compassion and respect are instilled in our laws and policies. We stand alongside people and communities whose human rights are at risk and push for systemic change, accountability and redress.

To remain fiercely independent, we rely on donations and philanthropic grants. You can become part of the movement for human rights and help make positive change happen by becoming a supporter today.

For more information contact Rachel Richmond, Development Manager on 03 8636 4488, email rachel.richmond@hrlc.org.au or visit our website: hrlc.org.au

Support the Human Rights Law Centre

The Human Rights Law Centre is a registered Australian charity and a deductible gift recipient. All donations of \$2 or more are tax deductible. You can use this slip to donate, or visit our website hrlc.org.au/donate

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▲ Katie Robertson, Adrienne Walters and Emily Howie celebrate the landmark High Court decision upholding the validity of Victoria and Tasmania's safe access zone laws around abortion clinics.