



Inquiry into Australia's Human Rights Framework

July 2023



Jesuit
Social Services
Building a Just Society

About Jesuit Social Services

Jesuit Social Services has been working for over 45 years delivering support and advocating for improved policies, legislation and resources to achieve strong, cohesive and vibrant communities where every individual can flourish and reach their full potential.

We are a social change organisation working directly with some of the most marginalised individuals, families and communities, often experiencing multiple and complex challenges. This involves people in contact with the criminal justice system, including young people, people experiencing mental health concerns, substance misuse, disabilities and complex needs, who may also be experiencing poverty, family violence, place-based disadvantage and in contact with child protection. We work with newly arrived refugees and migrants through our settlement and support programs, as well as working with the community of Mount Druitt in Western Sydney to deliver support and services based on place-based challenges, including food insecurity and complex disadvantage. We work with people with various lived experiences and backgrounds, and across a range of systemic issues and disadvantages.

We seek to address the causes of systemic issues and disadvantage, working on policy, research and advocacy levels, as well as directly delivering programs. This has led us to establish:

- **The Centre for Just Places** – which seeks to provide support and enable place-based approaches to social and ecological justice through research, collaboration, engagement and knowledge exchange
- **The Men's Project** – which works to address drivers of gender injustice by working directly with boys and men in changing attitudes and behaviours that can lead to violence
- **Justice and crime prevention programs** – aiming to reduce contact with criminal justice. We deliver this through a number of services and approaches, including delivering restorative justice practices for young people in contact with the justice system in Victoria and the NT. We work alongside and are led by local Aboriginal communities, including in Justice Reinvestment in the NT. We work alongside Victorian police to deliver the Victoria Police Diversity Recruitment Program, and are part of the Smart Justice for Young People Coalition in Victoria
- **Catholic Alliance for People Seeking Asylum (CASPA)** – co-convened with the Jesuit Refugee Service, we coordinate an alliance of individuals, organisations, schools and parishes from across the Catholic community who advocate for fair and humane treatment for people seeking asylum in Australia, supported by an Advisory Group of national representatives.

Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, and academic research and evidence. We advocate and work directly with participants nationally, as well as within Victoria, New South Wales and the Northern Territory.

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Jesuit Social Services acknowledges the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude to First Nations people's love and care of people, community, land and all life.

Our recommendations

Recommendation 1: That the Federal Government enact a Human Rights Act in order to better protect our fundamental rights and freedoms in Australia, which currently lack sufficient protection. A federal HRA would:

- Prevent further human rights infringements from occurring
- Give the government an opportunity to develop a more proactive approach in addressing systemic disadvantages
- Give a pathway to justice for victims, as well as increasing governmental accountability

Recommendation 2: A Human Rights Act needs to protect the specific rights and freedoms of those who are the most marginalised and face existing systemic barriers in Australia. This includes having proactive approaches and special measures.

Recommendation 3: A Human Rights Act needs to protect specific population groups, including, but not limited to:

- All genders, including men, women and all gender expressions and identities
- Anyone who is detained
- New and emerging human rights, such as LGBTQIA+, climate justice and place-based disadvantages
- Experiences of intersectionality
- Aboriginal and Torres Strait Islander children and young people, involving implementing special measures, particularly the need for a National Aboriginal and Torres Strait Islander Children's Commissioner

Recommendation 4: A Human Rights Act needs to protect civil and political, as well as economic, social and cultural rights (ESCR) in a Human Rights Act, including specific ESCR of distinct Aboriginal and Torres Strait Islander cultural rights, the right to education, the right to healthcare, the right to secure housing, and freedom from poverty and entrenched disadvantage.

Recommendation 5: A Human Rights Act that specifically protects civil and political rights of freedom of expression, freedom of assembly and freedom of association.

Introduction

Jesuit Social Services welcomes the opportunity to respond to the Inquiry into Australia's Human Rights Framework (the Inquiry), led by the Parliamentary Joint Committee on Human Rights. We would like to acknowledge the significant work and advocacy towards introducing a federal Human Rights Act (HRA) in Australia, led by various individuals and campaigns up until this point in Australia's history.

Jesuit Social Services supports the proposal made in the Australian Human Rights Commission's recent [position paper](#) that a federal Human Rights Act needs to be established in Australia. We believe in building a just society, and that therefore more needs to be done to protect human rights on a national level. Through our work across service delivery, policy and advocacy, our organisation already takes a rights-based approach in what we do and in how we conduct our work. This involves our own advocacy and work supporting the need for a HRA or a Charter of Human Rights, including our submission to the National Human Rights Consultation in 2009. Further, Jesuit Social Services is a member of and has been engaged in the [Charter of Human Rights Campaign](#) led by the Human Rights Law Centre.¹

We see the introduction of a HRA as a great opportunity to take further steps in creating a just society for all Australians. As an organisation which has a base in Victoria, we have enjoyed the protections of key rights and freedoms under state law through the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic) along with the justice and monitoring mechanisms of the Victorian Equal Opportunity and Human Rights Commission. Examples of how our rights have been protected in Victoria, as well as under Human Rights legislation in the ACT and Queensland, can be seen through the report published by the Human Rights Law Centre, [Charters of Human Rights Make Our Lives Better: Here are 101 cases showing how](#). Unfortunately, other Australians outside of Victoria are not given the protections that we are afforded under the Victorian Charter. This includes our programs and work within the Northern Territory and NSW, which do not have a HRA. However, even under the Victorian Charter, the ACT *Human Rights Act 2004* (ACT), and the Queensland *Human Rights Act 2019* (Qld), not all the same rights and freedoms are protected.² There needs to be a nationwide framework protecting our rights and freedoms, so everybody is protected equally no matter where they live in Australia. Australia is the only liberal democracy in the world not to have a national HRA or a Bill of Rights in its constitution.

I. Why we need a Federal Human Rights Act

Jesuit Social Services believes existing human rights frameworks and justice mechanisms do not adequately protect our rights and freedoms. Currently, although some rights are protected, through the Australian Constitution as well as under our anti-discrimination laws,³ most of our fundamental rights and freedoms are not protected at a federal level. For instance, the anti-discrimination laws do not protect any other rights and freedoms outside of preventing discrimination for specific groups based on sex/gender identity and sexual orientation, racial discrimination, age and disability.⁴ This includes both

¹ Human Rights Law Centre (2022). Charter of Rights: Join the Campaign. ([Weblink](#))

² For instance, the *Human Rights Act (Queensland)* protects economic, social and cultural rights including the right to education and the right to healthcare whereas the *Human Rights Act (ACT)* and *Charter of Human Rights and Responsibilities 2006 (Victoria)* do not

³ Ibid, p. 50; *Racial Discrimination Act 1975*; *Sex Discrimination Act 1984*; *Disability Discrimination Act 1992*; *Age Discrimination Act 2004*

⁴ See *Sex Discrimination Act 1984*, *Racial Discrimination Act 1975*, *Age Discrimination Act 2004* and *Disability Discrimination Act 1992*

civil and political rights, such as the right to life and freedom from torture, and economic, social and cultural rights, including the right to housing and the right to healthcare. The majority of our fundamental rights and freedoms under international human rights laws are not protected, including those under the *Universal Declaration of Human Rights*, the *International Covenant of Civil and Political Rights* and the *International Covenant of Economic, Social and Cultural Rights*. Not everyone in Australia is aware of this, and it is often assumed that, as a developed nation, we have our rights and freedoms protected.⁵ Even with these anti-discrimination laws in place, the potential for human rights abuses to occur still exists. An example of this is the racial discrimination against Aboriginal and Torres Strait Islander⁶ communities when the *Racial Discrimination Act 1975* was suspended under the Northern Territory Emergency Response, in response to addressing child sexual abuse and violence faced by Aboriginal children.⁷ The lack of formal protection from a HRA can and has led to the enactment of punitive policies. An example of this is the immigration policy the Pacific Solution/Open Sovereign Borders, which resulted in offshore detention for people seeking asylum. Even with the existing laws and mechanisms in place, without any formal protections, human rights abuses have occurred without significant consequence or governmental accountability on a national level. This includes arbitrary detention and conditions constituting torture in offshore detention.⁸ When human rights infringements happen currently, it is often without mechanisms for justice for the victim-survivors. It therefore also does not prevent the same human rights infringements from occurring again. The human rights abuses within offshore detention stand as an example of this. Even with the mechanisms of the Australian Human Rights Commission (the Commission), when the Commission did conduct a [National Inquiry into Children in Immigration Detention, The Forgotten Children](#), in 2014, there was limited Government response or accountability to the findings of the Inquiry, which raised serious human rights concerns regarding children in detention.⁹ Detaining children in Nauru continued until 2019, following a strong community-led campaign to take [#KidsOffNauru](#).¹⁰

The fact that UN bodies and representatives have cancelled visits to Australia in recent years speaks to the significance of the human rights breaches and inadequate human rights protections in Australia. This includes the UN Subcommittee on the Prevention of Torture under the mandate of the Optional Protocol to the Convention Against Torture (OPCAT) earlier this year, after two Australian states would not give assurance that the Committee would be able to access two onshore detention centres. Visiting the detention centres would be part of the Committee's role in ascertaining whether Australia was delivering its responsibilities under OPCAT.¹¹ This also includes the previous UN special rapporteur on the Human Rights of Migrants, François Crépeau, who cancelled his visit in 2015 out of concern that

⁵ Amnesty International Australia (2022). Amnesty International Australia 2021 Human Rights Barometer. ([Weblink](#))

⁶ Note: Hereafter we use the term 'Aboriginal' to describe the many Aboriginal and Torres Strait Islander people, clans and Traditional Owner groups of this land.

⁷ Australian Human Rights Commission (n.d.). Suspension and Reinstatement of the RDA and the NTER Special Measures. ([Weblink](#))

⁸ Méndez, J. E. (2015). Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez. Observations on communications transmitted to Governments and replies received. United Nations General Assembly, Human Rights Council. Pp. 7-9. A/HRC/28/68/Add.1; Doherty, B. (2020). Australia's offshore detention is unlawful, says international criminal court prosecutor. The Guardian. ([Weblink](#))

⁹ Australian Human Rights Commission (2014). The Forgotten Children: National Inquiry into Children in Immigration Detention. ([Weblink](#))

¹⁰ Davidson, H. (2019). Last four refugee children leave Nauru for resettlement in US. The Guardian. ([Weblink](#))

¹¹ Kazakhstan, Madagascar, Croatia, Georgia, Guatemala, Palestine, and the Philippines. Press releases: treaty bodies. United Nations, OHCHR. ([Weblink](#)); Karp, P. (2023). UN torture prevention body cancels visit to Australia after access to facilities blocked. The Guardian. ([Weblink](#))

Australian employees of offshore detention would be jailed and prosecuted for speaking to him under Australia's secrecy laws which existed at the time.¹²

A HRA is therefore important in acting as a framework for the prevention of human rights infringements and sets standards for Governments in establishing what rights and freedoms should look like in policies and in practice. It also provides a pathway to justice, an avenue to making human rights complaints for those who face human rights abuses, and a way of increasing government accountability notwithstanding which political party is currently in office. Australia's migration policies, for example, can vary according to the elected Government of the day. Having a federal HRA will protect human rights into the future, regardless of changes in government resulting from the electoral cycle.

Having a HRA would importantly give protection for certain populations who face ongoing systemic disadvantage and discrimination. This includes already marginalised groups such as migrants, refugees, people seeking asylum and Aboriginal and Torres Strait Islander peoples. It is important to identify and protect the rights of specific population groups who have experienced systemic discrimination in order to prevent this from occurring further. Having a national conversation as to why we need a HRA, as well as identifying which communities and populations should be included and protected under a HRA, provides a good opportunity to reflect on historical and current systemic issues and why there is a need for specific protections to be put in place.

Recommendation 1: That the Federal Government enact a HRA in order to better protect our fundamental rights and freedoms in Australia, which currently lack adequate protection. A federal HRA would:

- Prevent further human rights infringements from occurring
- Give the government an opportunity to develop a more proactive approach in addressing systemic disadvantages
- Give a pathway to justice for victims, as well as increasing governmental accountability.

II. Protecting the rights of people experiencing historical and current systemic barriers and disadvantage

We support the protection of rights and freedoms for all Australians. However, a HRA will be particularly important in protecting the rights of people who are the most marginalised in our society and who historically and currently face the greatest disadvantage. This is to ensure that they are not left further behind.

Our organisation works on the principle that everyone should have the opportunity to thrive regardless of any disadvantages or barriers they face. Jesuit Social Services works with some of the most disadvantaged and vulnerable people in our society. We see the direct effects that multiple and intersecting barriers have on peoples' lives, and how this impacts their ability to thrive.

A HRA should not only be about responding to human rights abuses when they have occurred or to act as a deterrent, but should also place responsibility on the government to take proactive approaches

¹² Medhora, S (2015). Coalition defends cooperation with UN after human rights official cancels trip. The Guardian. ([Weblink](#))

and ‘special measures’ to address systemic issues and barriers which have led to the discrimination and disadvantage of population groups; for example, addressing the overrepresentation of Aboriginal people and other marginalised groups within our criminal justice system.

Recommendation 2: A Human Rights Act needs to protect the specific rights and freedoms of those who are the most marginalised and face existing systemic barriers in Australia. This includes having proactive approaches and special measures.

III. Specific Population Groups that need protection under a HRA

Whilst the following section of the submission gives our perspective on specific population groups that require distinct protections under a HRA, this is not an exhaustive list. Rather, it reflects the observations and direct experience of Jesuit Social Services programs, advocacy, staff and participants.

Gender

We need an ongoing systemic response to addressing gender injustice. A HRA would be a great opportunity to recognise the unique challenges all genders face, including boys and men, and for the government to incorporate addressing these systemic issues. Girls and women experience significant discrimination, such as higher rates of family violence and higher rates of poverty.¹³ Boys and men also experience specific disadvantages, such as a higher likelihood of being physically attacked by a stranger, lower mental health, higher suicide rates, and worse educational outcomes in school.¹⁴

Further, any gender-related rights should provide all-encompassing protection for all genders and gender expressions, including protecting the rights of transgender, non-binary and all gender-diverse people of various gender identities. International human rights law largely lacks protection of people who are gender diverse; it does not protect LGBTQIA+ rights broadly, and only defines gender in a binary definition including only men and women, or alternatively defines all people as men.¹⁵ This is an important opportunity to protect all genders in Australian human rights law equally, and to be an international leader in recognising the rights of people of all gender identities.

¹³ Australian Institute of Health and Welfare (2023). Family, domestic and sexual violence. ([Weblink](#)); Poverty and Inequality in Australia (2018). Data and figures: Rate of poverty by gender (% of men and women). ACOSS and UNSW Sydney. ([Weblink](#))

¹⁴ Australian Bureau of Statistics (2022). Causes of Death, Australia. ([Weblink](#)); ABS, 2017. Personal Safety, Australia. ([Weblink](#)); Beyond Blue, 2022. Men. [Weblink](#); Victorian Government (2022). Statistics on Victorian schools and teaching. ([Weblink](#)); The Sydney Morning Herald (2022). Boys are becoming the weak spot in the education system. ([Weblink](#))

¹⁵ An example of this can be seen as the founding human rights document, the Universal Declaration of Human Rights. It defines gender as “men” and “women” such as in Article 16(1), and “brotherhood” and “men” when discussing ‘all’ people of the human race. Further, there is no current specific international human rights convention protecting rights and freedoms based on the experiences of LGBTQIA+ people

Protection for anyone who is detained

Protecting the human rights of people who are detained is imperative, including people seeking asylum, refugees in detention and people who are imprisoned in the criminal justice system. For instance, we have observed through our programs working with young people in the justice system that children are increasingly being placed in isolation for extended periods. In recent years, under our current youth justice policies, children and young people have been physically restrained and abused.¹⁶ At Don Dale Youth Detention Centre in the Northern Territory specifically, young people were physically and sexually abused by security guards and other employees while detained and put in isolation.¹⁷

Regardless of whether a person is detained and why, they need to have their rights protected and needs met. Having a HRA would formally protect these rights. This includes special considerations and protections for those experiencing intersectional disadvantages, including children and young people in detention and people with disabilities in prisons.

New and emerging issues

We believe that a new HRA needs to be a modern framework reflecting current trends and contexts in Australia, importantly recognising new and emerging human rights issues now and allowing for new human rights and systemic issues to be recognised into the future.

This includes LGBTQIA+ rights. As previously discussed, international human rights law largely fails to recognise and protect LGBTQIA+ rights. Within Australia, we have only seen very recent achievements in the legalisation of same-sex marriage.¹⁸ Despite this achievement, LGBTQIA+ people continue to face risks that their rights may be infringed, such as through the Religious Discrimination Bill. Under the Bill, it would be legal to discriminate against LGBTQIA+ people who could be refused accessing to a range of rights such as services, education and employment as a result.¹⁹ Further, some states and territories in Australia still allow LGBTQIA+ conversion practices under their law.²⁰ We need to protect LGBTQIA+ rights in a HRA in order to prevent further harm from occurring nationally, and to increase accountability through more proactive measures. However, we also see this as an opportunity for Australia to lead the way internationally in protecting human rights relating to sexual orientation, gender identity and gender expression.

The other emerging human rights concern we would like to raise is climate justice and place-based disadvantage. We are recognising more and more, both in Australia and internationally, the impact climate change has on human rights and how this disproportionately impacts people in specific geographical locations and across particularly marginalised communities. For instance, increasing and

¹⁶ Moore, R. (2017). The abuse of children in Don Dale and other prisons is a national shame. The Guardian. ([Weblink](#))

¹⁷ Australian Government (2017). Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory: Findings and Recommendations. P. 12. ([Weblink](#)); Gibson J. (2023). Northern Territory government sued over claims of sexual and physical abuse at Don Dale Youth Detention Centre. ABC News. ([Weblink](#))

¹⁸ *Marriage Amendment (Definition and Religious Freedoms) Act 2017*

¹⁹ See *Religious Discrimination (Consequential Amendments) Bill 2021, division 4*

²⁰ Currently, the only three states and territories that ban conversion practices are Victoria (*Change or Suppression (Conversion) Practices Prohibition Act 2021*), Queensland (*Health Legislation Amendment Act 2020*) and the ACT (*Sexuality and Gender Identity Conversion Practices Act 2020*). Incidentally, these states/territories all have a HRA or Human Rights Charter.

more intense heat waves are being experienced in Australia, and have greater impact on vulnerable populations, including in lower socioeconomic areas and on people with existing health concerns.²¹ We have seen in Australia the locational disadvantage of certain populations who are disproportionately affected by climate-induced natural disasters such as bushfires, droughts and floods, often leading to forced displacement and homelessness.

There has also been growing recognition of the importance of the role of government in taking responsibility in responding to the climate emergency, such as with climate-induced natural disasters. Including this in a HRA would be a positive and important step in this response.

Intersectionality

Many people experience multiple, complex and intersecting disadvantage. People face additional barriers that lead to their own unique experiences of disadvantage. It is increasingly recognised within the social, community and social justice sectors that people face intersectional experiences of disadvantage. Looking at only one disadvantage in isolation and seeing them as separate to one another may not adequately protect or address their specific challenges, as well as how these intersections interact one another. An example of this is entrenched disadvantage. Our *Dropping Off the Edge* (DOTE) study demonstrates how some of the most disadvantaged people in society experience multiple and long-term disadvantages based on the location where they live, including greater impacts of climate change and pollution, higher rates of poverty, and less access to public transport or healthcare.²² Specific protections under a HRA have the potential to address the concerns of groups experiencing multiple and locational disadvantage.

Aboriginal and Torres Strait Islander children and young people

In considering intersectional experiences of systemic disadvantage, Aboriginal and Torres Strait Islander children and young people experience significant disadvantage. Aboriginal and Torres Strait Islander children are born into communities affected by the ongoing impacts of colonisation and intergenerational trauma. We know that they are significantly overrepresented in the youth justice system, in child protection and in out-of-home care. Further, Indigenous children experience worse outcomes than the general population, including in health and education, and experience higher rates of poverty.²³ We witness these systemic impacts on Indigenous children in our own work, particularly in the Northern Territory as well as in Western Sydney, and are concerned about its continuing trends. Unfortunately, commitments to Closing the Gap have been largely unsuccessful in progressing targets so far, for Indigenous peoples in general but also for Indigenous children.²⁴

In addition to the inclusion of distinct cultural rights and special measures of Aboriginal and Torres Strait Islander peoples in a HRA, specific special measures and protections need to be given to Indigenous

²¹ Please see the indicators and outcomes in the report: *Dropping off the Edge 2021*, which includes an explanation on heat vulnerability on p. 51: Tanton, R., Dare, L., Miranti, R., Vidyattama, Y., Yule, A. and McCabe, M. (2021). *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia*, Jesuit Social Services: Melbourne.

²² Tanton et al. (2021). *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia*, Jesuit Social Services: Melbourne.

²³ Australian Government (2022). *Commonwealth Closing the Gap: Annual Report 2022*. ([Weblink](#))

²⁴ Ibid

children and young people. This includes incorporating the rights defined in the United Nations Convention on the Rights of the Child, as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Importantly, we believe that having a National Aboriginal and Torres Strait Islander Children’s Commissioner is vital in advocating for, monitoring and achieving more positive outcomes for Indigenous children in Australia.

Recommendation 3: A Human Rights Act needs to protect specific population groups, including, but not limited to:

- All genders, including men, women and all gender expressions and identities
- Anyone who is detained
- New and emerging human rights, such as LGBTQIA+, climate justice and place-based disadvantages
- Experiences of intersectionality
- Aboriginal and Torres Strait Islander children and young people, involving implementing special measures, particularly the need for a National Aboriginal and Torres Strait Islander Children’s Commissioner

IV. Including Economic, Social and Cultural Rights

A federal HRA needs civil and political, as well as economic, social and cultural rights (ESCR). This includes distinct Indigenous rights, which we have already touched on in the previous section. We note that in all existing Human Rights Charters in Australia, cultural rights are given weight, with particular emphasis on Aboriginal and Torres Strait Islander rights.²⁵ The Queensland HRA is a good example of protections of distinct Aboriginal rights, including “the right not to be subjected to forced assimilation or destruction of their culture”.²⁶ Developing a HRA with distinct Indigenous rights needs to be led by Aboriginal people, as well as incorporating the rights and freedoms defined in UNDRIP. It would also be a recommitment of the government in further efforts towards Closing the Gap.

In recognising the importance of economic, social and cultural rights, other ESCR that we believe need to be in the HRA include the right to education and the right to access health services, as incorporated in the Queensland HRA.²⁷ Many of the people we work with who face systemic disadvantages have less access to education and adequate healthcare, and are disproportionately impacted by other economic, social and cultural concerns, such as housing, food insecurity and poverty. Further to this, people who experience poverty and housing insecurity have been demonstrated to have worse outcomes in many aspects of their lives, and to face additional systemic barriers when trying to get out of poverty. As previously discussed, people can experience further entrenched disadvantage when poverty is combined with other systemic disadvantages.²⁸ We believe it is important that a new HRA specifically include protections for those experiencing poverty and entrenched disadvantage, and that it protect the right to secure housing.

²⁵ ACT Human Rights Act 2004, s. 27(2); Victorian Charter of Human Rights and Responsibilities 2006, s. 19(2); Queensland Human Rights Act 2019, s. 28

²⁶ Queensland Human Rights Act 2019, s. 28(3)

²⁷ Queensland Human Rights Act 2019, Part 2, Division 3, s. 36-37

²⁸ Tanton et al. (2021). Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia, Jesuit Social Services: Melbourne.

We also believe that an increased focus on human rights education is needed within communities and schools. Many people are not aware of their own rights, including that we do not currently have a HRA.²⁹ Implementing a HRA will prompt Governments to develop initiatives in increasing human rights awareness and education, including for instance in school curricula, alongside the introduction of a HRA. In fact, having a HRA would increase accountability for the government to have these initiatives.

Recommendation 4: A Human Rights Act needs to protect civil and political, as well as economic, social and cultural rights (ESCR) in a Human Rights Act, including specific ESCR of distinct Aboriginal and Torres Strait Islander cultural rights, the right to education, the right to healthcare, the right to secure housing, and freedom from poverty and entrenched disadvantage.

V. Protecting Freedom of Speech, Assembly and Association

Jesuit Social Services advocates for social change based on direct engagement with marginalised and disadvantaged groups. We regularly advocate on social policy issues through social media, policy submissions to governments and public events. Freedom of expression, freedom of assembly and freedom of association are important to being able to deliver these functions in our work and as an organisation. We have unfortunately seen examples where these freedoms have not always been protected for Australian organisations in recent years; in fact, there have been attempts to increase restrictions, such as through the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017*.³⁰ Having these freedoms restricted could mean the people we work with, and advocate alongside, risk not having their voices heard. There is a possibility that it would make it more difficult for us to effectively address these systemic issues in a public setting.

Jesuit Social Services is a member of the [Stronger Charities Alliance](#) (formally known as Hands off Our Charities), which has among its aims to ensure charities and organisations can continue their advocacy work lawfully in Australia.³¹

Recommendation 5: A Human Rights Act that specifically protects the civil and political rights of freedom of expression, freedom of assembly and freedom of association.

²⁹ Amnesty International Australia (2022). Amnesty International Australia 2021 Human Rights Barometer. ([Weblink](#))

³⁰ Stronger Charities Alliance (n.d.). About Us. ([Weblink](#))

³¹ Ibid