

HUMANITY IN REVIEW

A SNAPSHOT OF HUMAN RIGHTS IN 2013



AMNESTY
INTERNATIONAL



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INTRODUCTORY ESSAY

■ CLAIRE MALLINSON, NATIONAL DIRECTOR AMNESTY INTERNATIONAL AUSTRALIA



What key moments shaped our humanity, for better or worse, in 2013? And what actions will future generations applaud us for, or judge us by?

In many ways 2013 was a turbulent year in Australia and across the globe. Many of the world's conflicts escalated, with horrific death tolls and millions of displaced people in Syria, Iraq, the Central African Republic and South Sudan.

As a result, we saw a surge in refugees seeking asylum all across the world. In Syria alone, the number of refugees fleeing into neighbouring countries reached more than 2 million. The devastating human cost of the conflict was not just in the sheer number of people fleeing. Videos surfaced online of chemical weapon attacks allegedly carried out by the Syrian Government.

Atrocities like this can seem overwhelming, but there is hope. In April 2013 the UN approved the first ever Arms Trade Treaty (ATT), which is set to regulate the \$70 billion global arms trade. In a watershed moment, 154 countries voted 'yes' for the ATT, including the world's biggest arms exporter, the US. We saw the ATT in action just a few weeks ago when South Korea, who decided to sign the ATT in June, halted a shipment of tear gas to Bahrain.

Australia used its role during its rotating presidency of the UN Security Council to help steer the first resolution on small arms and light weapons, and encourage all countries to sign and ratify the ATT.

Australia has also been a welcome champion of the Women, Peace and Security Agenda at the Security Council. Russia, the second largest weapons exporter in the world, failed to sign the ATT. Throughout 2013 Russia targeted human rights organisations and the LGBTI community, and continued a crackdown on activists in the lead up to the Sochi Winter Olympics.

In November Sri Lanka hosted the Commonwealth Heads of Government meeting (CHOGM). Allegations of war crimes, by both the Sri Lankan security forces and the rebel LTTE (Tamil Tigers), dominated media surrounding the event. Canada boycotted, and the UK Government publicly questioned the Sri Lankan regime's attacks on its own people during and after the civil war that ended in 2009.

In stark contrast, Australia's Prime Minister Tony Abbott stated that, while the Australian Government deplored any use of torture, "It accepts that sometimes in difficult circumstances, difficult things happen."

Australia has demonstrated leadership during crises in the past. We successfully resettled around 90,000 Vietnamese refugees during the Vietnam War. The world over, Australia became known as the lucky country and the land of the 'fair-go'.

For those arriving now, it is a very different experience. While the return to offshore processing and the no-advantage rule were in place in 2012, in July 2013 then Prime Minister Kevin Rudd introduced a resettlement arrangement which meant asylum seekers arriving by boat would be sent to Manus Island or Nauru, and would never be resettled in Australia.

After the September Federal Election, the incoming Government rapidly expanded offshore processing and introduced a 'turn back' policy for asylum seekers arriving by boat. The combination of these policies is an attempt to force asylum seekers back to countries where torture and persecution remain.

The United Nations Human Rights Committee found Australia to be in breach of its obligations under international law, committing 143 human rights violations by indefinitely detaining 46 refugees for four years, on the basis of ASIO's adverse security assessments. And, this was before the September Federal Election.

January 2014 marked 60 years since Australia signed the Refugee Convention. It's not too late for Australia to uphold its obligations and work with other governments in the region towards a genuine solution that protects the rights of asylum seekers in accordance with international human rights and refugee law.

As 2013 drew to a close we celebrated the life of Nelson Mandela, who reminded us that the fight against injustice is a long one, and that we must never give it up. There are many positive steps Australia can take in 2014 to advance human rights. On the world stage we can play a leading role in helping those suffering from the horrific Syrian conflict, and those bearing the weight of repression in North Korea. In our regional neighbourhood we can show leadership in being vigilant for freedoms in Fiji and standing against executions in Asia. And at home, we can and must do more to address the shocking rates of incarceration of young Indigenous Peoples.

In 2014 I hope Australia's humanity shines through once again.

Claire Mallinson, National Director, Amnesty International Australia

2013 GLOBAL DEVELOPMENTS



GRAFFITI IN CAIRO, EGYPT, WHICH READS, "NO TO SEXUAL HARASSMENT." © AI

In 2013, the human rights abuses and successes in the following countries resonated particularly strongly across the world.

AFGHANISTAN

Since the fall of the Taliban in 2001, Afghan women have seen some hard-won improvements. However in 2013 the situation for women did not improve and in many respects deteriorated.

There has been an increase in attacks on women in public positions and the threatened removal of the Elimination of Violence Against Women Bill. Violence against women continues with many reported beatings, disfigurements, kidnappings and killings. There is little or no justice for the victims of these attacks.

The world must stand alongside Afghan women and support their continuous fight for equality. This requires an international commitment that persists well beyond the departure of international troops.

Australia has a key role to play during its remaining time on the UN Security Council to ensure the participation of Afghan women in peace talks and political decision-making, now and into the future.

BURMA

In March, violence between Muslim and Buddhist communities escalated, leaving several people dead. Thousands of Rohingya continued to flee Burma, heading for countries including Thailand and Malaysia,

and seeking asylum in countries including Australia. There are currently 140,000 individuals displaced throughout Rakhine state, Burma. Most are Rohingya, an ethnic group which Burma's authorities continue to deny equal access to citizenship and rights to study, work, marry, and have a family.

The Burmese Government formed an amnesty committee in February 2013 to review political prisoner cases, signalling a new era for freedom of expression in the country.

Despite Burmese President Thein Sein's commitment in July 2013 to release all prisoners of conscience by the end of the year, the Burmese authorities continued to arrest numerous peaceful protesters and human rights defenders, and many remain behind bars.

However, in a positive step, Burma freed 69 political prisoners in November, ahead of Burmese Political Opposition Leader Aung San Suu Kyi's visit to Australia.

CENTRAL AFRICAN REPUBLIC

The conflict in the Central African Republic quickly became one of the worst crises in recent memory. Around 1,000 people died in the beginning weeks of the fighting in November, as Christians and Muslims carried out equally vicious attacks against each other.

CHINA

China continued as one of the world's leading executioners. China's lack of transparency makes it impossible to accurately calculate the number of executions, though some groups have estimated it to be as high as 4,000 people each year.

Despite claims to the contrary, China failed to abolish its 'Re-education Through Labour' (RTL) system. While RTL camps were shut down, Chinese authorities increasingly made use of 'black jails', enforced drug rehabilitation centres, and 'brainwashing centres' to take their place.

Authorities stepped up other forms of persecution as detailed in a briefing by Amnesty International released in December.

EGYPT

Since July 2013, more than 1,400 people have died in protests and political violence, many as a result of security forces using excessive and unwarranted lethal force. Five hundred of those killed were Muslim Brotherhood supporters who had clashed with security officers. There is yet to be an investigation into these clashes and no security officers have been charged.

Violent sexual assaults against women, including rapes, surged at Cairo's Tahrir Square early in the year. Mob-led sexual assaults were also on the rise.

FIJI

Fiji's proposed new constitution was finalised in September 2013 and predictably failed to meet international standards. The text upheld decrees that severely restrict free speech and grant the state the power to detain people (potentially indefinitely) without charge or trial in times of emergency. It also gave state officials immunity for a wide range of acts, including crimes under international law such as torture.

Ongoing restrictions on freedom of expression and peaceful protests, as well as attacks on human rights

“PNG’s Parliament introduced a Family Protection Bill and removed the Sorcery Act, which offered a reduced sentence for someone who had committed murder or assault if they accused their victim, in most cases a woman, of practising ‘witchcraft’.”

advocates, continued. In February, a video was released online showing the torture and sexual assault of two men, apparently by security forces. So far police have failed to independently investigate the incident.

NORTH KOREA

Amnesty International released new aerial satellite images of the vast scale of North Korea’s prison camps. Amnesty International found new housing blocks, an expansion of production facilities, and continued tight security.

The analysis, along with newly released testimonies from a former prison guard and prisoner, featured in a report released in December 2013, North Korea: Continued Investment in the Infrastructure of Repression. The UN Human Rights Council set up a Commission to investigate the systematic, widespread and grave violations of human rights in North Korea. Headed by former Australian High Court Justice Michael Kirby, the Commission will deliver its findings to the United Nations in March 2014.

PAPUA NEW GUINEA

Papua New Guinea, a country where an average of two thirds of women are hit by their partners and 55 per cent of women have been raped, made some positive steps towards change.

PNG’s Parliament introduced a Family Protection Bill and removed the Sorcery Act, which offered a reduced sentence for someone who had committed murder or assault if they accused their victim, in most cases a woman, of practising ‘witchcraft’. However, in a backwards step, the PNG Parliament agreed to expand the crimes for which the death penalty applied, and methods of execution.

RUSSIA

Russia made a number of high profile arrests in 2013. Low lights included the continued imprisonment of two Pussy Riot members for carrying out a ‘punk protest’ and the arrest of the Greenpeace Arctic 30 activists.

Russian President Vladimir Putin later released Pussy Riot and the Greenpeace activists, in what some critics described as nothing more than a “PR stunt” in the lead up to the 2014 Winter Olympics in Sochi.

Non-governmental organisations receiving foreign funding and engaging in ‘political activities’ were forced to register as ‘foreign agents’, in an attempt to stigmatise and discredit human rights organisations. This move also provided the government with a reason to fine or close organisations down.

The space for free expression shrank further after Russia passed new bills criminalising blasphemy and outlawing activism by lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals and their supporters.



SARAH KAM WITH HER CHILDREN AT PAGA HILL SETTLEMENT, PORT MORESBY. © AI

SRI LANKA

Sri Lanka's persistent failure to ensure justice for alleged war crimes during 26 years of civil war and its continued threats towards human rights advocates, critics and journalists sparked serious concerns over the country hosting the Commonwealth Heads of Government Meeting (CHOGM).

The meeting went ahead in November 2013, but not without a chorus of critics expressing concerns about Sri Lanka's failure to address past abuses.

Canada, India and Mauritius, boycotted the talks. UK Prime Minister David Cameron attended but visited the north of the country to meet with people from the Tamil community, saying he'd raise their stories directly with the government.

His comments indicated Sri Lanka's past will continue to haunt it until those responsible for past violations, committed by both the government and opposition group the Tamil Tigers (LTTE), are held accountable and ongoing human rights violations stopped.

SYRIA

The conflict in Syria remained at crisis levels in 2013. Both the Syrian Government and rebel troops were accused of mass murder. Over 2 million people fled the country in 2013 alone. At least 1 million were children. World leaders continued to flounder on how to manage the sheer number of people fleeing the conflict.

Videos surfaced online of chemical weapon attacks allegedly carried out by the Syrian Government. After the public outcry from this footage, President Bashar al-Assad allowed a UN team to enter the country and begin identifying and disposing of any chemical weapons.

Recently released photos show the torture and murder of around 11,000 people in Syrian jails.

2013 KEY MOMENTS



MALALA YOUSAFZAI SPEAKING AT THE AMNESTY INTERNATIONAL AMBASSADOR OF CONSCIENCE AWARD CEREMONY, SEPTEMBER 2013. © AI

Despite some setbacks across the world for human rights, positive moments also shaped the world in 2013 and beyond.

CAMBODIAN ACTIVIST'S PRISON SENTENCE CUT SHORT

Cambodian land rights activist Yorm Bopha was released on bail following calls for her release from Amnesty International supporters and Cambodian NGOs. Her sentence was not due to end until September 2014.

Amnesty International had named Yorm Bopha a prisoner of conscience, imprisoned solely for peacefully defending her community's housing rights.

THE WORLD ADOPTS THE ARMS TRADE TREATY

After 20 years of campaigning by Amnesty International and others, the UN adopted the Arms Trade Treaty (ATT) after 154 countries voted 'yes', including the world's biggest arms exporter, the United States.

The treaty is the first ever global law to properly regulate the international trade and transfers of conventional weapons. Now in action, it will and has helped stop weapons being sold to countries where they are likely to be used to commit human rights atrocities.

“The basic right to education is under attack around the world. We need change now and I need your help to achieve it. We should not wait. We should do it now.” - Malala Yousafzai

Over half a million people worldwide supported Amnesty’s petition for an ATT. Amnesty International supporters in Australia held more than 200 community events since 2012, urging the Australian Government to step up its global leadership role on the ATT.

MALALA YOUSAFZAI FOCUSES WORLD ATTENTION ON GIRLS’ EDUCATION

In January 2013 Malala Yousafzai was released from hospital after recovering from a gunshot wound to the head. Less than six months later, she addressed the UN General Assembly on the right of women and girls to an education.

In the same year, she also became the youngest ever recipient of the Amnesty International Ambassador of Conscience Award.

Two years earlier, the Taliban had gunned Malala down for speaking out about the importance of female education. She has gone on to become the global face of girls’ right to education.

NELSON MANDELA’S LIFE CELEBRATED

In December the global community marked the passing of one of the world’s most inspirational and renowned human rights advocates, Nelson Mandela. His lifetime of fighting for equality and justice, not only in South Africa but around the world, has inspired millions of people to champion human rights.

In November 2006, Amnesty International declared Nelson Mandela an ‘Ambassador of Conscience’ in recognition of his work.

2013 EMERGING TRENDS



AMNESTY ACTION AGAINST DRONE STRIKES, AUSTIN US, JULY 2013. © AI / FLOR MONTEROAI

TECHNOLOGY AND HUMAN RIGHTS

SURVEILLANCE

Edward Snowden was one of the many individuals in 2013 who risked his safety and anonymity to stand up against what he saw as government wrongdoing. Snowden, a former US National Security Agency contractor, shared classified documents detailing a global surveillance program by the US. The US revoked Snowden's passport and charged him under the Espionage Act, potentially leaving him with no grounds to launch a public interest whistle-blowing defence under US law. He was granted temporary asylum in Russia but remains in hiding.

US Army Private Chelsea Manning was sentenced to 35 years in prison for leaking classified military documents that pointed to potential human rights violations. Amnesty continues to call for President Barack Obama to commute her sentence. President Obama only recently acknowledged the need to safeguard the privacy of people around the world, but his comments did not end serious global concern over mass surveillance.

DRONES

The US's use of drones for so-called 'targeted killings' has fast become one of the most controversial human rights issues in the world. The details of the program remain a closely guarded secret, with the US Government currently not acknowledging the innocent casualties of drones.

In one poignant example, in October 2012 two hellfire missiles instantly killed a 68-year-old Pakistani grandmother Mamana Bibi while she was gathering food. In October 2013 Amnesty International released a report on the human cost of drones in Pakistan, *"Will I be Next?" US drone strikes in Pakistan*.

“Same-sex couples were finally allowed to marry in Brazil, Uruguay, New Zealand and France, with England and Wales pledging to legalise same-sex unions in 2015.”

THE DEATH PENALTY IN THE ASIA PACIFIC

In 2013 India, Indonesia, Pakistan and Vietnam resumed executions. In August, the first execution in Vietnam in more than 18 months put hundreds of death row prisoners at risk. Indonesia resumed executions in March after a four-year hiatus, and executed five people last year.

In an encouraging move, in November Singapore commuted the death sentence of Yong Vui Kong, a 25-year-old Malaysian man, to life imprisonment and 15 strokes of the cane. It was the first time in history that a death sentence under Singapore’s draconian drug laws had been commuted. The move was welcomed as a positive sign that Singapore’s 2012 freeze on executions could be extended indefinitely.

AUSTRALIA URGES END TO THE DEATH PENALTY IN ASIA PACIFIC

In 2013 all sides of Australian politics voiced their opposition to the death penalty. Prime Minister Tony Abbott raised the issue in his October talks with Indonesian President Yudhoyono. Former Foreign Minister Bob Carr also publicly voiced his opposition to executions in PNG after the Prime Minister Peter O’Neill said they’d be resumed. However, Australia was alarmingly silent when Indonesia resumed executions in March. Australia must take a consistent stance against the use of the death penalty in any situation.

LGBTI RIGHTS

In Australia, there was a historic move to recognise same-sex marriage rights, with the Australian Capital Territory legalising same-sex marriage in October 2013. Dozens of couples seized the moment to marry before the legislation was overturned one week later by the High Court. NSW and Tasmanian MPs made similar, although ultimately failed, attempts to introduce same-sex marriage legislation in their states.

Same-sex couples were finally allowed to marry in Brazil, Uruguay, New Zealand and France, with England and Wales pledging to legalise same-sex unions in 2015.

But there were also serious setbacks. Uganda’s Anti-Homosexuality Bill dramatically increased the criminal penalties for consensual sexual activity between adults of the same sex. Nigeria’s Same Sex Marriage (Prohibition) Bill imposed a prison sentence of 14 years for anyone found guilty of engaging in same-sex relationships.

2013 AUSTRALIA



JERMONE KEMARR AND JOSELINE KEMARR AT UTOPIA, A HOMELAND COMMUNITY IN AUSTRALIA'S NORTHERN TERRITORY. © AI / APRIL PYLE

INDIGENOUS PEOPLES' RIGHTS

SUPPORT FOR ABORIGINAL HOMELANDS

In March the Federal Government announced a \$4 million funding boost to upgrade housing and infrastructure on the Utopia homelands in the Northern Territory. This followed a 2012 announcement of \$220 million in funding for homelands over 10 years.

INDIGENOUS INCARCERATION RATES

After nearly a year in Hakea adult jail, a group of teenagers were finally transferred back to a juvenile detention facility in October. Amnesty International and family members had raised concerns about the unsuitable conditions in Hakea for the teenagers, some as young as 14.

Comments in December 2013 from the Victorian Ombudsman, that placing juvenile detainees in adult jails breached Victoria's human rights act, further highlighted the need to focus on diversionary methods, and detention as a last resort.

Aboriginal Peoples make up just over 2 per cent of the population, but over 28 per cent of the prison population. Australia must do more to reduce Indigenous incarceration rates.

FUNDING CUTS TO INDIGENOUS LEGAL SERVICES AS INCARCERATION RATES CLIMB

At a time when Indigenous incarceration rates continued to rise, the Australian Government withdrew around \$15 million of funding to Aboriginal Legal Services (ALS). Amnesty International called on the Federal Government to immediately reinstate funding, however, this call remains unanswered.

HIGHLIGHT: AUSTRALIA'S PRESIDENCY OF THE UN SECURITY COUNCIL

Australia made good use of its presidency of the Security Council during September, passing the first ever UN Security Council resolution on small arms and light weapons. Australia also presided over the unanimous Security Council vote demanding the eradication of Syria's chemical weapons.

REFUGEE AND ASYLUM SEEKER RIGHTS

OFFSHORE PROCESSING

Australia has adopted an increasingly punitive approach to asylum seekers. The most abusive of these policies is offshore processing, reintroduced under the Labor Government and expanded under the current Coalition Government. This policy has seen thousands of asylum seekers transferred to detention centres on Nauru and Manus Island, Papua New Guinea.

Australia is directly responsible for this deplorable and unlawful combination of arbitrary detention and inhumane conditions. For more than \$1 billion per year, the total cost of Australia's offshore processing system, asylum seekers in Australia's offshore detention centres continue to be denied adequate water, shoes, soap, time to speak with their family and shade from the sun in cramped and crowded conditions.

Amnesty International uncovered the degrading and humiliating conditions for asylum seekers at the Manus Island detention centre in the December 2013 *This is Breaking People* report.

Amnesty International found the harsh conditions and humiliating treatment were a deliberate effort to pressure people to return to the desperate situations they fled.

The report made 70 recommendations to the Australian and PNG governments. The Australian Government has committed to making improvements where practical. However, Amnesty International is still awaiting a response on what improvements have been made.

OPERATION CONTROL

In September 2013, the Minister for Immigration and Border Protection Scott Morrison introduced a system aimed at limiting information about boat arrivals to one weekly briefing, at which he refused to answer questions about 'operational matters'.

In January 2014 he announced he was cancelling the weekly event and would only provide ad hoc briefings – another deliberate move to keep the truth about asylum seekers hidden from journalists and the public.

AUSTRALIA'S ACTION POINTS

2014

With a new year ahead, comes a chance for real and lasting change. Amnesty International looks to Prime Minister Tony Abbott to, in his own words, be a 'goodie not a baddie'. Australia has a chance to present itself as a genuine global leader, by taking a human rights-based approach to international security issues and domestic policies.

The humanitarian crisis in Syria and the resultant refugee flow has had a profound effect on many parts of the world. Australia is well equipped to provide at least 7,500 resettlement places to Syrian refugees, in addition to its existing humanitarian quota. Respect and dignity – principles to which this new government has committed to – must form the basis for all policies in order to address this refugee crisis.

Australia must work with neighbouring countries to develop a humane and regional approach to asylum seekers. This would see an end to the Australian Government's discriminatory, harsh and punitive offshore processing policy, which not only undermines sustainable, human rights-based solutions to asylum seeker arrivals, but diminishes Australia's reputation as a human rights leader on the world stage.

We welcome bipartisan support for constitutional recognition for Indigenous Peoples and call for widespread consultation with Aboriginal and Torres Strait Islander Peoples, and a widespread public education campaign, ahead of any referendum.

The Australian Government needs to lead the nation in curbing the shockingly high rate of Indigenous youth incarceration rates which have a devastating impact on Aboriginal communities. It can do this by taking a national approach to this emergency including introducing a justice target in the COAG Close the Gap initiative.

“In 2014 we expect the Australian Government to be courageous and take a human rights focused approach at home and abroad.”

More than 22 years ago The Royal Commission into Aboriginal Deaths in Custody recommended that arrest and detention be a last resort. Nearly a quarter of a century later, Australia is further away than before in meeting this directive. In 2014 the Australian Government must fix this crisis. Tony Abbott as the ‘PM for Indigenous Peoples’ needs to personally commit to this.

This year Australia must join New Zealand and the growing list of countries ending discrimination and allowing marriage equality.

In March a significant opportunity exists for Australia to urge the UN Human Rights Council to demand that Sri Lanka must act on bringing those responsible for war crimes and other atrocities, on both sides of the conflict, to justice and to end ongoing human rights abuses.

The Commission of Inquiry on North Korea headed by retired Australian High Court Judge, Michael Kirby, will be presented at the same Human Rights Council session. Australia has an unprecedented opportunity to work with the international community and pressure the North Korean Government to stop the gross human rights violations that continue in the ever expanding labour camps.

The remainder of Australia’s term on the UN Security Council is another promising opportunity for the Australian Government to positively influence the situation for women and girls in Afghanistan.

At this extremely critical point, Australia can use its strong diplomatic, advisory and aid role in the country to focus on protecting and empowering women and girls. In the run up to the April Afghan Presidential elections, the Australian Government must call on all candidates to prioritise women’s and human rights, including implementing the Elimination of Violence Against Women law in full.

Closer to home, in the lead up to elections in Fiji it is imperative that Australia remain vocal and vigilant to any increased crackdown on activists and opposition members.

Similarly Australia must consistently and unapologetically, condemn the use of the death penalty amongst its neighbours.

In 2014 we expect the Australian Government to be courageous and take a human rights focused approach at home and abroad.



Amnesty International Australia | ABN 64 002 806 233 | 1300 300 920

supporter@amnesty.org.au | www.amnesty.org.au

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Cover: *Za'atri refugee camp for Syrian refugees, Jordan, June 2013. © AI*