

Australia - Human Rights Scorecard ¹

Australia is the largest island nation in the world. While pre-historic settlers from southeast Asia settled some 40,000 years prior, the first British colony was created in 1829. Following the federalisation of multiple territories, the commonwealth of Australia was established in 1901. Aboriginal peoples been relentlessly targeted by Australian policy. They are marginalized groups with significantly higher rates of poverty and health issues than the average Australian. Additionally, immigration and citizenship policies in the past and in the present have tended to be racially and culturally discriminatory.

Official language: English 76.8%, Mandarin 1.6%, Italian 1.4%, Arabic 1.3%, Greek 1.2%, Cantonese 1.2%, Vietnamese 1.1%, other 10.4%, unspecified 5%

Ethnic groups: English 25.9%, Australian 25.4%, Irish 7.5%, Scottish 6.4%, Italian 3.3%, German 3.2%, Chinese 3.1%, Indian 1.4%, Greek 1.4%, Dutch 1.2%, other 15.8% (includes Australian aboriginal .5%), unspecified 5.4%

Government: Parliamentary democracy under a constitutional monarchy

Death penalty: None

Population: 22,992,654

Life expectancy: 82.2 years

Under-5 mortality: 5 per 1000

Adult literacy: 99.0 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.939– Very High Human Development ³

According to the UNDP, Australians enjoy the second highest ranking of HDI in the world. Compared to other countries with comparable gross national incomes per capita, this is indeed a very high HDI.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There are no reports that the government or its agents committed arbitrary or unlawful killings.

Freedom from disappearance



Respected ⁵

There are no reports of politically motivated disappearances in Australia.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected ⁶

The law prohibits such practices, and the government generally respects these provisions. There were occasional claims police and prison officials mistreated suspects in custody.

Freedom from arbitrary arrest or detention



Respected ⁷

The law prohibits arbitrary arrest and detention, and the government generally observes these prohibitions.

Freedom from denial of fair public trial



Respected⁸

The law provides for an independent judiciary; the government respects judicial independence.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions. Police have authority to enter premises without a warrant in emergency circumstances.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 16.02, Rank: 19 / 180 – Free¹¹

Although the constitution does not explicitly provide for freedom of speech or press, the High Court has held that the constitution implies a right to freedom of expression, and the government generally respects these rights.

Freedom from academic censorship



Respected¹²

There were no government restrictions on academic freedom or cultural events.

Freedom of peaceful assembly and association



Respected¹³

Although freedom of peaceful assembly and association are not codified in law, the government generally respects these rights.

Freedom of religion



Respected¹⁴

The government runs extensive programs to support religious pluralism.

Freedom of movement



Respected¹⁵

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the Australian government generally respects these rights.

Protection of refugees and stateless persons



Largely disrespected¹⁶

While officially, the government cooperates with UNHCR, there are many cases of ongoing refugee detention and deals occurring to swap refugees to third parties. There are 2,000 reports of abuse of asylum seekers in Nauru, involving accusations of assault, sexual abuse, and abuse of children.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



6 / 7 – Free¹⁹

Australia has an independent press, an effective judiciary, and a functioning democratic political system that together allow for freedom of speech and press.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



7 / 7 – Free²¹

Despite issues of human rights abuses towards asylum seekers, Australia has a long-standing record of advancing and protecting political rights and civil liberties.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 79%, Rank: 13 / 175 – Little corruption²³

Several states have anticorruption bodies that investigate alleged government corruption. Investigators collaborate with civil society, operate independently and effectively, and have adequate resources.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Mostly respected²⁴

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



No threat listed²⁶

According to Minorities Rights Group International, Australia does not have any minorities which face an immediate threat of violence. However, it is imperative to note the disproportionate levels of violence, infant mortality, life expectancy rates, etc. faced by Aboriginals and Australians.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: 72.1%, Rank: 46 / 142 – Partially equal rights²⁸

While the law criminalizes rape and violence against women, Australian women face discrimination and barriers regarding jobs, pay, and position. Indigenous women face even higher rates of discrimination and violence.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: 81.5 %, Rank: 27 / 165 – Largely Protected³⁰

Children in Australia have a relatively protected status.

Rights of persons with disabilities



Mostly respected³¹

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government effectively enforces the law.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected³²

The Human Rights Council of Australia received 561 complaints under the Racial Discrimination Act during the 2014-15 period. There were also accounts of anti-Semitic acts and ongoing mistreatment of indigenous peoples.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely respected^{33 34}

There are no laws criminalizing consensual same-sex sexual conduct between adults. Discrimination based on sexual orientation and gender identity is prohibited by law.

Section 8: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Mostly respected³⁵

The law provides workers with the right to form and join unions, bargain collectively and conduct legal strikes.

Freedom from forced or compulsory labour



Respected³⁶

The law prohibits all forms of forced and compulsory labor, and the government effectively enforced the law. Resources, inspections, and remediation were adequate.

Freedom from forced labour for children, and a minimum age of employment



Mostly Respected³⁷

There is no federally mandated minimum age of employment. The minimum age varies depending on state regulations.

Right to acceptable conditions of work



Mostly Respected³⁸

There is no official poverty line; minimum wage, combined with welfare payments, is intended to provide a decent standard of living for a worker and their family.

Right to employment



5.8% - Reasonable unemployment³⁹

While the unemployment rate in Australia has slightly risen in the last 5 years, it remains low.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a Julyent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Australia" UNDP, based on 2017 or the most recent year available. Accessed Jan. 8, 2017. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2017 Australia." U.S Department of State. July 1, 2017. Accessed July 14, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. July 1, 2017. Accessed July 1, 2017. <http://rsf.org/index2017/en-index2017.php>.

¹² "Country Reports on Human Rights Practices for 2017 Australia." U.S Department of State. July 1, 2017. Accessed July 1, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Australia." World Report 2017: Australia. July 1, 2017. Accessed July 1, 2017. <http://www.hrw.org/world-report/2017/country-chapters/Australia>.

¹⁴ "Australia." International Religious Freedom Report for 2017. July 1, 2017. Accessed July 13, 2017. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Australia." World Report 2017: Australia. July 1, 2017. Accessed July 13, 2017. <http://www.hrw.org/world-report/2017/country-chapters/Australia>.

¹⁶ "Australia." World Report 2017: Australia. July 1, 2017. Accessed July 13, 2017. <http://www.hrw.org/world-report/2017/country-chapters/Australia>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 4, 2017 <https://www.freedomhouse.org/report/freedom-world-2017/methodology#.VldwWzHF98F>

¹⁹ "Australia." Freedom in the World 2017: Australia. July 1, 2017. Accessed July 3, 2017. <https://freedomhouse.org/report/freedom-world/2017/Australia-0#.VIIIHzGG9e8>.

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 3, 2017 <https://www.freedomhouse.org/report/freedom-world-2017/methodology#.VldwWzHF98F>

²¹ "Australia." Freedom in the World 2017: Australia. July 1, 2017. Accessed July 3, 2017. <https://freedomhouse.org/report/freedom-world/2017/Australia-0#.VIIIHzGG9e8>.

²² Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Australia." Corruption by Country. July 1, 2017. Accessed July 13, 2017. <http://www.transparency.org/country#BHR>.

²⁴ "Country Reports on Human Rights Practices for 2017 Australia." U.S Department of State. July 1, 2017. Accessed July 4, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed July 2, 2017 <http://peoplesunderthreat.org/>.

²⁶ "Australia." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Australia." World Economic Forum. July 1, 2017. Accessed July 3, 2017. <http://reports.weforum.org/global-gender-gap-report-2017/economies/#economy=BHR>.

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed July 3, 2017. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2017 Australia." U.S Department of State. July 1, 2017. Accessed July 4, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. July 1, 2017. Accessed July 3, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2017 Australia." U.S Department of State. July 1, 2017. Accessed July 4, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. July 1, 2017. Accessed July 7, 2017. http://www.ilo.org/global/research/global-reports/global-employment-trends/2017/WCMS_233936/lang--en/index.htm.