

Submission to the Parliamentary Joint Committee on Human Rights, Inquiry into Australia's Human Rights Framework

Freedom from Institutional Abuse Inc. 12/07/2023

We welcome the opportunity to provide a submission to the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework.

Freedom from Institutional Abuse Inc. is a not-for-profit organisation created and run by survivors of the Esther Foundation. We run an online support group of over 300 victims of the Esther Foundation and provide victims with peer support and advocacy. The Esther Foundation was a young women's residential rehabilitation program which operated from the late 1990's until 2022 in Perth, Western Australia. In early 2022 victims came forward to report that the organisation was committing serious human rights abuses against young women and children. A Western Australian State Parliamentary Inquiry was conducted which found that current legislation in WA provided no protection for consumers of unregulated mental health and drug & alcohol rehabilitation providers.

This submission will consider whether the Australian Parliament should enact a federal Human Rights Act, and if so, what elements it should include.

We support the legislation of a federal Human Rights Act, also known as a Human Rights Charter.

Our community has experienced serious and systemic human rights abuses. Many victims have reported experiencing being physically restrained, forcibly medicated, denied medical care, physically and sexually assaulted, forced to work without pay, forced to reject their cultural identity, were threatened, humiliated, and experienced psychological abuses, including gay conversion practices and exorcisms. Many of these are considered clear human rights abuses however victims are not protected by the government due to the lack of regulation, statute of limitation issues and ambiguous laws. Our stories have been shared over 80 times in the media and as a result we have received countless messages from individuals all over Western Australia reporting that they have also been abused and exploited in a mental health or AOD facility.

We support a Human Rights Act because it would have provided victims a pathway to report their victimisation and would have provided them with understanding that their traumatic experiences *are unacceptable to the Australian Government*. Many believed the abuses they experienced were endorsed by the State and Federal Government, as millions of dollars were given to the organisation, public support was given by politicians, state police actions weren't taken despite reports of abuse and no regulatory agency would investigate or intervene. With a Human Rights Act, potential future victims may not experience the many barriers to reporting that we did.

A Human Rights Act will help prevent human rights abuses because it will place human rights at the heart of decision making by requiring governments to consider human rights when drafting laws, developing policies, delivering services, and making decisions.

Importantly, an Act will give people the power to take action if their rights are violated, and to seek reparations for said violations.

Finally, a Human Rights Act will foster respect for human rights in Australia, so we can work toward a future where everyone, everywhere understands their rights, and the rights of others.

We support a legislated Human Rights Act, like those in Victoria, Queensland, and the Australian Capital Territory, and support the position paper released by the Australian Human Rights Commission in March 2023. An Act should include the human rights Australia has already promised to uphold under international law, including civil, political, economic, social, and cultural rights under the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the rights of children and people with disabilities.

Recommendation

The Esther Foundation is now closed however there are an unknown number of other mental health and AOD facilities in Western Australia currently committing human rights abuses against some of the most vulnerable people in our community. A Human Rights Act will acknowledge that these abuses are not tolerated in Australia and will provide victims with a pathway to report their experiences.

Recommendation: The inquiry recommends the Federal government legislate a Human Rights Act.

Yours sincerely,

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