

Australian Government must re-build trust of civil society – UN human rights expert

CANBERRA / GENEVA (18 October 2016) – United Nations independent expert Michel Forst today called on the Government of Australia to urgently dispel civil society’s growing concerns about the combined ‘chilling effect’ of its recent laws, policies and actions constraining the rights of human rights defenders.

“I was astonished to observe mounting evidence of a range of cumulative measures that have concurrently levied enormous pressure on Australian civil society,” said the UN Special Rapporteur on the situation of human rights defenders at the end of his first fact-finding visit* to the country.

Recognizing Australia’s traditional safeguards of constitutional democracy, rule of law and free media, Mr Forst noted that his initial expectation from his official visit was to “encounter only laudable implementation of the State’s obligations under international human rights laws, aimed at ensuring a safe and enabling environment for human rights defenders.”

Instead, the expert found a number of detrimental measures which include a growing body of statutory laws, both at the federal and state levels, constraining the rights of defenders. “They have ranged from intensifying secrecy laws to proliferating anti-protest laws, from the stifling Border Force Act to the ‘Standing’ bill shrinking environmental access to courts,” Mr. Forst specified.

“Those laws have not only accentuated the disparity between Government’s declared commitments at the international forums and their implementation within the country,” he noted. “They have also aggravated the situation following the drastic defunding of peak bodies by the Government, following their advocacy or litigation on such topical issues as immigration, security, environment and land rights protection.”

In his preliminary observations, the expert noted that Community Legal Centres are facing nearly one third of their budget cut nationally, and that Environmental Defenders Offices and the National Congress of Australia’s First Peoples have completely been defunded by the Federal Government. And those that continue receiving funds have to abide by the so-called ‘gagging’ clauses in their funding agreements, instructing them against ‘lobbying’ the Governments or to ‘engage in public campaigns’.

“In addition, I was astounded to observe what has become frequent public vilification of rights defenders by senior government officials, in a seeming attempt to discredit, intimidate and discourage them from their legitimate work. The media and business actors have contributed to stigmatization,” the Special Rapporteur warned. “Environmentalists, whistleblowers, trade unionists and individuals like doctors, teachers, and lawyers protecting the rights of refugees have borne the brunt of the verbal attacks.”

“Even the president of the Australian Human Rights Commission, Professor Gillian Triggs, faced Government’s intimidation and public questioning her integrity, impartiality and judgement, after the Commission’s inquiry into the child harm in immigration detention,” the expert said.

Mr. Forst noted that “the Australian Government has historically made commendable efforts in pursuit of its human rights obligations, so it is unfortunate that the combination of the detrimental laws and practices by the Government has recently instilled a ‘chilling effect’ on the Australian civil society.”

“This situation can be reversed and improved. The Government should start re-building confidence of human rights defenders,” he said. “For that purpose, I urge the Government to consider adopting a national action plan on human rights, through meaningful consultation with civil society.”

The UN Special Rapporteur expressed his readiness for further constructive dialogue to identify ways to help ensure enabling environment for human rights defenders in Australia.

During his two-week visit, at the invitation of the Government, the expert met with vast range of federal and state officials, members of the parliament and judiciary, statutory bodies, as well as human rights defenders and representatives of civil society, media and business.

Mr. Forst will present a final report with his findings and recommendations to the Human Rights Council in 2017.

(*) Check the Special Rapporteur’s full end-of-mission statement:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20689&LangID=E>

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*Mr. **Michel Forst** (France) was appointed by the Human Rights Council as the UN Special Rapporteur on the situation of human rights defenders in 2014. Michel Forst has extensive experience on human rights issues and particularly on the situation of human rights defenders. In particular, he was the Director General of Amnesty International (France) and Secretary General of the first World Summit on Human Rights Defenders in 1998. For more information, log on to:*

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

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