

Human Rights Council – 37th Session

Report of the Special Rapporteur on the situation of human rights defenders in Australia

1 March 2018

Australian Concerned Country Statement

The Australian Government welcomes the Special Rapporteur's ongoing work to create a safe and enabling environment for human rights defenders, and notes the report on his visit to Australia in October 2016.

Australia has a long history of engaging cooperatively with Special Rapporteurs. We have a standing invitation for special procedures mandate holders to visit Australia, and five rapporteurs visited between October 2016 and March 2017. External scrutiny of Australia's human rights record allows us to both reflect on our achievements and identify areas for possible improvement.

Although this visit took place in October 2016, we did not receive the final version of this report until 27 February 2018. This has left us little time to develop a fuller response, but I'm pleased to provide some preliminary observations today.

As the Special Rapporteur notes, Australia has a vibrant and diverse civil society. Indeed, with a population of 24 million, we have around 600,000 community and non-governmental organisations and 54,000 charities who freely engage in a robust exchange of ideas and opinions. We welcome the vital contribution they make to the promotion and protection of human rights.

We regularly conduct formal and informal consultations with civil society representatives to draw on their expertise and listen to their perspectives. In the last year, we have engaged on topics including, but not limited to, the domestic implementation of international human rights law, business and human rights, environmental policy development and implementation, immigration policy, and in preparation for our treaty body appearances and reports (ICCPR, CERD, ICESCR and CRC).

While we may not be able to give effect to all of the recommendations provided by civil society through these discussions, the views shared inform policy development.

The Government is continuously reviewing the most effective means to engage civil society and human rights defenders.

In this respect, I'm pleased to advise that the Government and the Australian Human Rights Commission are working together to give voice to Aboriginal and Torres Strait Islander women and girls' through the Wiyi Yani U Thangani (Women's Voices) 'Securing Our Rights, Securing Our Future' project.

Led by the Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar, this project is reaching out to Aboriginal and Torres Strait Islander women and girls across Australia - to elevate their voices and better understand the factors that affect their personal, socio-economic and cultural security. It is part of an ongoing process to drive positive change for Indigenous women, girls and their families, and to do things with, and not to, Aboriginal and Torres Strait Islander people.

Australia strongly believes that good governance, the rule of law and strong institutions are the foundations of a functioning, responsive and inclusive society.

The Government regularly reviews its laws to ensure they remain reasonable, necessary and proportionate with respect to limitations of rights. We are pleased to note that the Special Rapporteur has acknowledged in his report that a number of legislative reviews and updates have taken place since his visit in October 2016.

Section 35P of the *Australian Security and Intelligence Organisation Act 1979* was amended in 2016 to ensure that appropriate safeguards are in place to protect the rights of individuals, including journalists. Legislation to enhance whistleblower protections in the corporate and tax sectors is currently before Parliament. The Government is currently considering the recommendations of an independent review of the *Public Interest Disclosure Act 2013*.

Australia is proud of its human rights record at home and abroad. But we accept that we are not perfect – no state is. There is always more work to do, and we welcome scrutiny.

Australia has a long history of support for human rights defenders, and we remain committed to ensuring they can continue to perform their vital role both at home and abroad.

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