

Human Rights Council – 37th Session

Clustered Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur in the field of cultural rights

1 March 2018

Australian Statement

We thank the Special Rapporteurs for their presentations.

Australia is fully committed to the global fight against terrorism and violent extremism. We reiterate that this must be pursued in accordance with international law, including fully respecting human rights and fundamental freedoms. Effective counter-terrorism measures and the protection of human rights are not conflicting, but rather complementary and mutually reinforcing.

We agree with the Special Rapporteur that during a state of emergency a country should demonstrate that it experiences the level and scope of threat to necessitate the use of emergency powers, and that States should return to the full protection of human rights once the emergency has ended.

We also support the Special Rapporteur's recommendation that states should periodically review their counter-terrorism legislation to assess whether it is necessary and proportionate.

Australia's Independent National Security Legislation Monitor reviews the operation, effectiveness and implications of our national security and counter-terrorism laws. It also consider whether the laws contain appropriate protections for individual rights, remain proportionate to terrorism or national security threats, and remain necessary. We encourage other states to consider such an approach.

We welcome the Special Rapporteur's commitment to fully integrate a meaningful gender analysis in all aspects of her mandate. We note her point that entrenched counter-terrorism norms specifically affect women in gendered ways. Could the Special Rapporteur please elaborate on this and provide best practice examples to address these harmful effects on women and girls?

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