



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION  
GENEVA

24 April 2015

Mr Karim Ghezraoui  
Chief Officer  
Special Procedures Branch  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
8-14, Avenue de la Paix  
1211 Geneva 10, Switzerland

Dear Mr Ghezraoui,

**Communication from Special Procedures – the Special Rapporteur on the situation of human rights defenders**

I refer to your communication from the Special Rapporteur on the situation of human rights defenders dated 25 February 2015 concerning the allegations of verbal attacks against President of the Australian Human Rights Commission, Ms Gillian Triggs, by Government officials, the request for her to resign, the interference into the work of the AHRC, and the significant reduction of its funding.

**Independence of the Australian Human Rights Commission as a national human rights institution**

The Australian Government is committed to the Paris Principles and to their application to the Commission as a National Human Rights Institution. Australia also supports Resolution 27/18 of the Human Rights Council regarding National Institutions for the Promotion and Protection of Human Rights. The Government recognises that the Commission plays an important role in promoting and protecting human rights, and conciliating human rights and discrimination complaints.

The Commission continues to have a broad mandate to promote and protect human rights. Its independence is guaranteed by legislation in the *Australian Human Rights Commission Act 1986*. The Australian Government respects the independence of the Commission and recognises that it will sometimes be critical of the Government. Though the Government will not always agree with the Commission's recommendations, it welcomes a vigorous and diverse human rights debate in Australia, and the Commission plays a constructive role in that debate.

The administrative arrangements for members of the Commission are enshrined in legislation, including remuneration and leave entitlements, and arrangements for appointment, resignation and termination. Members of the Commission are appointed for a fixed term, and once appointed cannot

be removed from their positions except under certain prescribed circumstances, including misbehaviour or physical or mental incapacity, bankruptcy or failing to comply with certain obligations of office. The Australian Government has not sought to remove any member of the Commission from their position.

### **Funding for the Australian Human Rights Commission**

The Australian Government has made a commitment to repair the Federal Budget and to identify savings across the government. The Commission has been asked to contribute to these savings, as have all other agencies. The Commission has not been singled out or treated any differently from other statutory agencies in Australia.

The savings measures announced in December 2014 amounted to approximately 7% of the Commission's budget, not 30%. These savings contributed to funding the extension of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Government also decided to reduce the number of special-purpose Commissioners from seven to six, with the Age Discrimination Commissioner, the Hon Susan Ryan AO, also taking on the role of Disability Discrimination Commissioner. This appointment is in keeping with the common practice of appointing Commissioners to dual portfolios. For all but three of the last 15 years, the person who has held the Disability Discrimination Commissioner role has also been responsible for another portfolio.

The Australian Government is committed to providing protection from discrimination for people with a disability and is confident that the Commission will continue to provide a strong voice for the disability community under these arrangements.

### **Other issues**

#### *Appointment of Mr Wilson*

Mr Tim Wilson was appointed as the Human Rights Commissioner in February 2014 following consideration by the Government and the Governor-General, consistent with the approach followed for other government appointments.

The Human Rights Commissioner position had been vacant since May 2012. It had not been filled by a standalone Commissioner since 2000. During that period the work of the Commissioner had been undertaken by other Commissioners in addition to their own role.

Prior to his appointment, Mr Wilson had, for the previous seven years, been a Policy Director at the Institute of Public Affairs. He has published and broadcast on the topics of personal freedom, liberal democratic values and the rule of law. Mr Wilson has brought to the position an understanding of liberal democratic values and civil and political rights, such as freedom of speech, thought, conscience, religion and association, and has been a strong advocate against discrimination based on sexual orientation.

*Tabling of Commission's report*

The Commission presented its final report on its Inquiry into Children in Immigration Detention to the Attorney-General on 11 November 2014. The report was tabled on 11 February 2015, within the statutory deadline of 15 Parliamentary sitting days. As is often the case with Commission reports, substantial consultation was required to be undertaken across government prior to the report being tabled.

As requested, the letter from the Special Rapporteur on the situation of human rights defenders has been brought to the attention of the Foreign Minister.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Quinn', written in a cursive style.

John Quinn