

## [Australia: Drop draconian 'anti-protest' bill](#)

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(Update - 9 September 2014) - Following advocacy by ISHR, together with Australian civil society organisations, three UN experts issued a [statement calling on Tasmania to withdraw the 'anti-protest' bill](#), citing its manifest incompatibility with international human rights standards.

'The law itself and the penalties imposed are disproportionate and unnecessary in balancing the rights to free expression and peaceful assembly and the government's interests in preserving economic or business interests,' said David Kaye, recently appointed Special Rapporteur on freedom of opinion and expression. 'The bill would have the chilling effect of silencing dissenters and outlawing speech protected by international human rights law.'

'In democratic societies, demonstrations and protests are key to raising awareness about human rights, political, social concerns, including regarding environmental, labour or economic issues, and of holding not just governments, but also corporations accountable. The Bill, if adopted, would impede that very function,' said Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and association.

Michel Forst, UN Special Rapporteur on the situation of human rights defenders, acknowledged Australia's open and democratic traditions, but expressed concern that the law would curtail human rights defenders' legitimate right to express their opinions, especially when these are at odds with the government or industry. 'Moreover, by listing specific industries, such as forestry, agriculture, or mining, it specifically targets environmentalists; this is shocking,' he added.

(Geneva) - The Australian state of Tasmania should dump a repressive bill which will criminalise protests against mining, logging and other business operations, the International Service for Human Rights said today.

The [Workplaces \(Protection from Protesters\) Bill](#) is due to be considered by the Tasmanian Parliament next week. Its wide-ranging provisions, which include significant fines and mandatory prison terms for participants in protests which 'hinder or obstruct' business activities, are manifestly incompatible with the fundamental rights to freedom of expression, association and peaceful assembly enshrined in the International Covenant on Civil and Political Rights, to which Australia is a party.

'Peaceful protest has a crucial role to play in promoting corporate responsibility and accountability and in exposing corporate human rights violations,' said ISHR Director Phil Lynch.

'This bill, with its overbroad provisions and draconian penalties, will have a significant chilling effect on free speech about business activities and operations,' he said.

The Bill makes it a criminal offence for a person to participate in a protest on business premises or on any road, footpath or public land used to access the business premises where to do so would 'prevent, hinder or obstruct' business activity or access to the premises. First-time offences are punishable by fines of up to \$10,000, with subsequent offences subject to mandatory jail terms of up to two years.

'The rights to freedom of expression, association and peaceful assembly may only be limited so far as is strictly reasonable, necessary and proportionate. This Bill - which criminalises free speech, authorises the use of force against peaceful assemblies, and subjects demonstrators to manifestly excessive penalties - falls far short of the mark,' Mr Lynch said.

In March, Australia supported a [resolution at the UN Human Rights Council expressing grave concern at the criminalisation of peaceful protest](#) and calling on States to recognise that exercise of the right to protest is crucial to democracy and accountability. The resolution also called on States to 'clearly and explicitly establish a presumption in favour' of the right to protest and to 'facilitate peaceful protests by providing protestors with access to public space'.

As recently as June, Australia also supported a [resolution which recognises the vital role of civil society in promoting accountability for business-related human rights abuses](#) and in raising awareness of the human rights impacts and risks of some business activities and enterprises'.

'This proposed law runs completely counter to Australia's obligations and statements under international law. If Australia is serious about its commitment to free speech and corporate respect for human rights it will ensure that Tasmania does not proceed with this odious Bill,' Mr Lynch said.

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Photo: ABC - Protestors demonstrate outside Tasmanian parliament against the Workplace (Protection from Protesters) Bill