

[Australia: Withdraw proposed law criminalising lawful protest](#)

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Proposed anti-protest laws in Western Australia are unfair and unnecessary and would violate basic democratic freedoms such as free speech and freedom of assembly. The law targets defenders of land and environment rights, privileging business interests over environmental interests and democratic freedoms, the Human Rights Law Centre and ISHR have told three United Nations human rights experts.



UN rights experts intervene over Western Australia's proposed anti-protest laws following request for urgent action from ISHR and the Human Rights Law Centre.

(Update - 16 February 2016) - Following a request for action by ISHR and the Human Rights Law Centre, three UN human rights experts have 'urged the State Parliament of Western Australia not to adopt new legislation which would result in criminalising lawful protests and silencing environmentalists and human rights defenders.' According to the experts, 'If the Bill passes, it would go against Australia's international obligations under international human rights law, including the rights to freedom of opinion and expression as well as peaceful assembly and association.'

A full copy of the joint statement by the UN Special Rapporteurs on freedom of expression, David Kaye, on freedoms of peaceful assembly and association, Maina Kiai, and on human rights defenders, Michel Forst, is available [here](#).

(Melbourne / Geneva, 13 February 2016) - Proposed anti-protest laws in Western Australia are unfair and unnecessary and would violate basic democratic freedoms such as free speech and freedom of assembly, the Human Rights Law Centre and the International Service for Human Rights have told the United Nations. In a [letter sent this week](#), the organisations called on three UN human rights experts to take action to stop the bill passing in its current form.

Emily Howie, the Human Rights Law Centre's director of advocacy and research, said the WA Government's Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 would criminalise legitimate protest and give police excessively broad and unnecessary powers. The Bill targets defenders of land and environment rights, privileging business interests over environmental interests and democratic freedoms.

'The proposed law is written in such vague and broad terms that it would turn innocent acts into matters worthy of arrest,' said Ms Howie. 'If passed, the new law would criminalise peaceful assembly and civil

disobedience, as well as the possession of everyday items, such as bike locks. It would give police virtual carte blanche to arrest people.'

The WA Government says that the Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 aims to stop environmental protesters locking themselves onto equipment, trees and other objects in order to delay or frustrate fossil fuel development sites (see parliamentary speech [here](#)).

Phil Lynch, Executive Director of the Geneva-based International Service for Human Rights, said that the law reflects an alarming trend of governments around the world shutting down peaceful protest to protect powerful vested interests.

'Unfortunately Australia is not the only place where basic democratic rights are playing second fiddle to business interests,' said Mr Lynch. 'This Bill would severely infringe the basic rights of Western Australians to free speech and assembly and to have a say in matters of public interest. This should be a matter of deep concern to all Australians committed to the principles of democracy, public participation and the rule of law.'

The WA Government first introduced the [Criminal Code Amendment \(Prevention of Lawful Activity\) Bill 2015](#) in 2015 and it is due to be debated when parliament resumes in the week of 15 February 2016. The Bill would create two new criminal offences (1) physically preventing a lawful activity and (2) preparation for physically preventing a lawful activity or trespass, including possessing a 'thing' for the purpose of preventing lawful activity.

A broad sector of civil society oppose the Bill, including church leaders, conservation groups, the legal profession, farmers, community advocates and unions.

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