



International Coordinating Committee of
National Institutions for the Promotion and
Protection of Human Rights (ICC)

Office of the ICC Chairperson
Mabedle Lourence Mushwana

The Prime Minister of Australia, the Hon. Tony Abbott, MP
Parliament House
Canberra ACT 2600
AUSTRALIA
And per fax / email

UNOG Palais des Nations,
1211 Geneva
SWITZERLAND

23 February 2015

Dear Prime Minister

Re: Recent events concerning the President of the Australian Human Rights Commission, Professor Gillian Triggs

I address this letter to you on behalf of the ICC Bureau and as Chairperson of the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC), which is the United Nations (UN) recognised umbrella body of national human rights institutions (NHRIs). The ICC represents at an international level just over 100 NHRIs from around the globe, including 73 of which enjoy 'A' status at the UN.

It has been brought to my attention that in relation to the release of the Australian Human Rights Commission's (AHRC / Commission) report entitled "*The Forgotten Children: National Enquiry into Children in Immigration Detention*" (2014) there have been allegations that Professor Gillian Triggs, President of the AHRC, was asked to resign ahead of the public release of the report and that public attacks have been made against her personally. These public attacks seek to call into question the independence of the office which Professor Triggs holds and cause harm to her professional integrity. It further more undermines and intimidates the statutorily granted independence that is provided to the country's principal human rights body.

These actions against an independent state body that is fulfilling its statutory duties to promote and protect human rights are of grave concern to the ICC. The AHRC is internationally recognised by the United Nations as Australia's NHRI. It has been a member of the ICC since 1999 and has always enjoyed the much coveted "A" status that is granted to NHRIs following a rigorous accreditation process that is carried out by the ICC under the auspices of the OHCHR acting as Secretariat. This "A" status is only granted to NHRIs that comply fully with the *Principles relating to the Status of National Institutions* (commonly referred to as the Paris Principles) (Adopted by General Assembly Resolution 48/134 of 20 December 1993). The Paris Principles set out the necessary guarantees of independence that are required in order for the NHRI to be regarded as truly independent.

Correspondences to
International Coordinating Committee (ICC), UNOG Palais des Nations, 1211 Geneva, Switzerland

Judith Cohen, ICC Liaison Officer at jcohen@sahrc.org.za
with a copy to
Katharina Rose, ICC Geneva Representative at k.rose@europe.com



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These actions also take place against the background in which just last year, Australia was the lead sponsor of Human Rights Council resolution 25/27 on NHRIs. This Resolution “(e)ncourages NHRIs to continue to play an active role in preventing and combating all violations and abuses of human rights,” and “recognises that NHRIs and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries;”.

Mr Prime Minister, Professor Triggs is highly respected within the international human rights community having held a distinguished career in law, including in the area of legal education. She is held in high esteem within the ICC, being one of the more active members who participates in many public events and has represented the ICC on occasion in various United Nations fora. She has also held the position of chairperson of the Commonwealth Forum for national human rights institution (CFNHR) and is greatly regarded for her leadership and human rights knowledge.

It is understandable and even to be expected that independent NHRI reports will contain information that is critical of government or unpopular, this is in order to bring attention to human rights that are being violated or areas in which human rights may be improved in a country; and particularly the human rights of those who are most vulnerable. An NHRI should not be hindered in investigating any matter of concern. In a healthy democracy a NHRI report should be received within the spirit that the contents and recommendations contained therein is to further the adherence to international human rights norms and standards and ensure the promotion and protection of human rights.

Finally and with the greatest respect, we request that you take note of our deep concerns and that you address the matter. In the interim, my office will be sharing our concerns with the Office of the High Commissioner for Human Rights and with our ICC members.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mabedle Lourencia MUSHWANA', is written over a horizontal line.

Advocate Mabedle Lourencia MUSHWANA

Chairperson

CC: UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein

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