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Oral Statement of the 31st Session of the UN Human Rights Council

Item 6 of the agenda: Consideration of the UPR report for Australia

17 March 2016

Mr. President,

We welcome the decision of Australia to adopt the recommendation made by Ecuador, which stated the need, and I quote, *“to strengthen the normative framework for the protection of human rights, including the monitoring of, investigation into and reparation for human rights violations committed by the Australian enterprise in their territories and in Third States”*. Among the commitments made by the Government of Australia in the framework of the Universal Periodic Review, Australian willingness to take the lead in the promotion of human rights worldwide is apparent. This engagement shows that Australia is committed to promote and protect human rights not only within its own territory, but also beyond.

Such a commitment is important because according to our information and findings (as exposed in our Joint Submission No.4¹), there has been an increase in the violation of human rights resulting from the business activities of OceanaGold, an Australian-based gold producer corporation.

In the Philippines for example, the fully-owned subsidiary of OceanaGold held, since 2006, mineral extraction rights over the Didipio Gold and Copper Mine located in the municipality of Kasibu, in the Nueva Vizcaya province. The enterprise officially announced the commencement of these extractive operations in April 2013. Over the years, numerous reports from community, civil society, national government and international watchdog sources have shown direct links between the company operations and the systematic human rights violations of the residents concerned. This includes bribery, intimidation, harassment and other violations of the right to free, prior and informed consent of the people of Didipio ; violations of the rights to adequate housing and property ; violation of the right to freedom of movement and violation of the right to security of person of the people of Didipio.

In addition to the commitment made by Australia, we also recommend the establishment of a clear mechanism to ensure effective access to justice, including a dispute and grievance mechanism for communities and peoples affected by the Australian companies operating abroad, and to officially respect the primacy of human rights norms and obligations over free trade agreements (FTAs).

Mr. President, it is time that all governments took the appropriate measures towards their own corporations at the international level. In this sense, we recall the need to adopt legally binding norms on transnational corporations and human rights, in order to prevent adverse situations and to protect the victims of human rights violations committed by these corporations.

I thank you.

¹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRAUStakeholdersInfoS23.aspx>