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## Media release

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### Human Rights Lawyers Group Questions New Commissioner's Human Rights Credentials

Australian Lawyers for Human Rights (**ALHR**) is deeply concerned about whether newly appointed Human Rights Commissioner, Mr Tim Wilson is properly fulfilling his role following comments on ABC's *Lateline* program (17 February 2014).

This morning in Sydney, Vice-President of ALHR, Mr Nathan Kennedy stated:

"Mr Wilson's comments about the nature of human rights show a fundamental lack of understanding. They raise serious questions about his qualifications for the appointment"

"Mr Wilson has been appointed under the *Australian Human Rights Commission Act* yet seems to have his own interpretation of what human rights are. ALHR respects that Mr Wilson has strong personally held beliefs on freedom; however, his personal beliefs are not what he is required to promote as the Human Rights Commissioner. Australia is already behind other comparable countries in relation to human rights protection. This will only be exacerbated by embarking on philosophical debates about what human rights are. For the purposes of his job, that debate has been settled a long time ago" said Mr Kennedy.

"The Act under which he has been appointed clearly defines human rights as those set out in the international instruments scheduled to it. The Universal Declaration of Human Rights (UDHR) expressly recognises that '*human rights should be protected by the rule of law*'. This has been achieved and developed through human rights treaties and declarations and their related jurisprudence. This cannot simply be passed off by the Commissioner as a 'legalistic perspective' on human rights."

"Fundamental to all human rights instruments is an acknowledgment that equality and non-discrimination are required for human rights to be enjoyed. The duty of the Commission is to ensure its functions are performed with regard for the indivisibility and universality of human rights. This makes it all the more concerning that Mr Wilson is trying to elevate freedom of speech above the right to legal protection from discrimination" said Mr Kennedy. "We are extremely concerned at Mr Wilson's comment that he would prefer more open discrimination in order to somehow encourage an 'active citizenry' to stand up against it, rather than provide adequate legal protections. In reality, it is easier for an active citizenry to stand up with the support of the law rather than without it."

"We would remind the Commissioner that while the UDHR notes freedom of speech as one of the highest aspirations of the common people, sitting equally beside it is the freedom from fear. Freedom of speech reaches its limit when it encroaches on other human rights."

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 3000 people, with active National, State and Territory committees.