

**Oral Statement of the 31<sup>st</sup> Session of the UN Human Rights Council  
Item 6 of the agenda: Consideration of the UPR report for Australia  
16 March 2016  
Delivered by Raffaele Morgantini**

Mr. President,

Among the commitments made by the government of Australia in the framework of the Universal Periodic Review it appears the Australian willingness of taking the leadership in the field of the promotion of human rights worldwide. This engagement shows that Australia is committed to promote and protect human rights not only within its own territory, but also beyond.

Nevertheless, according to our information and findings (which are exposed in our Joint Submission No.4<sup>1</sup>), the human rights violations related to business activities of OceanaGold, an Australian-based gold producer corporation, are increasing.

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 claimed the start of the extractive operations in April 2013. Throughout the years, numerous reports from community, civil society, national government and international watchdog sources have shown direct links between the OGPI's operations and systematic human rights violations of the concerned residents such as 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, right to property, and right to freedom of movement of the people of Didipio, and violations of the right to security of person of the people of Didipio.

We recall the extra-territorial responsibility held by the government of Australia towards the Australian-based companies that are involved in human rights violations in third States. To this regard, we ask the government of Australia to adopt the recommendation made by Ecuador to strengthen the normative framework for the protection of human rights, including the monitoring, investigation and reparation for human rights violations committed by Australian enterprise in their territories and in third States.

We also recommend the government of Australia to establish a clear mechanism to ensure effective access to justice and remedy including 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 these situations and to protect the victims of human rights violations committed by transnational corporations.

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