

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ATTORNEY-GENERAL'S PORTFOLIO

ADDITIONAL ESTIMATES 2023-2024

PA-Australian Human Rights Commission

AE24-041 - Response to correspondence from staff regarding situation in Middle East

Senator David Shoebridge asked the following question on 13 February 2024:

Senator SHOEBRIDGE: The first is a letter dated 28 January 2024, signed by a collective of commission staff, and it begins:

We write to you, as a collective of concerned staff across eight teams at the Australian Human Rights Commission (Commission), to express our frustration at the Commission's failure to fulfil its mandate as an accredited national human rights institution in regard to Israeli war crimes and crimes against humanity perpetrated against Palestinians in Gaza and the West Bank.'

You're aware that those concerns came to you from across eight teams?

...

Prof. Croucher: I responded on the key issues raised in that letter. As I said, the concerns were directed to the commission. The commission—as in the group of commissioners—considered the concerns raised in that letter very thoroughly, and we continue to engage with the concerns raised in that letter as a group of commissioners, exercising our role jointly as the commission. I responded directly to the correspondence in a letter on the following Monday that I wrote in consultation and as an expression of the commissioner group.

Senator SHOEBRIDGE: Do you have that letter with you, President?

Prof. Croucher: I don't have it with me.

Senator SHOEBRIDGE: Will you provide a copy?

Prof. Croucher: I'll have to consider whether it's appropriate to share that kind of correspondence.

Senator SHOEBRIDGE: Will you take it on notice?

Prof. Croucher: I will certainly take that on notice. What I would be happy to share is the email I provided to all the commission. As I said, it was an anonymous email channel and I have no idea about its source—all of that. What I can share with you is the email I shared with the whole commission that I composed in consultation with my commissioner colleagues after the details of the letter were raised by the Guardian. It was not a matter we discussed internally. It was just raised externally through the Guardian newspaper. That shocked a lot of the staff who were not part of that group. We had people asking, 'What's going on?' They were terribly concerned to see the commission written about in that way in the paper. In response to that, I wrote a very carefully worded email, in consultation with my commissioner colleagues, that I would be very happy to provide to you because it was shared with the entire commission. That provides the response of the commissioner group to the concerns as they were ventilated through the newspaper.

The response to the senator's question is as follows:

The Commission has taken on notice the question of whether it would be appropriate to provide a copy of the President's response to the anonymous letter it received, and has determined that it would not be appropriate given the anonymous nature of the letter, the decision by the Commission not to correspond further with the anonymous email address from which the letter was sent, and the Commission's obligations under s 49 of the *Australian Human Rights Commission Act 1986* (Cth).

A copy of the email sent by the President to all staff on 8 February 2024 is enclosed with this answer.

From: Rosalind Croucher
Sent: Thursday, 8 February 2024 6:26 PM
To: All Commission
Subject: Context about the article in The Guardian today [SEC=UNCLASSIFIED]

Security Classification:

UNCLASSIFIED

Dear Colleagues,

I write to provide some context about the article in [The Guardian](#) you would have seen in the news clippings today. I am sorry if it has caused any of you any distress. It's never nice to see a workplace you care about under fire in the news.

I would like to point out that the letter the article refers to was not an "open letter". It was an anonymous email with a "letter of demands" addressed to me from a non-Commission email address. Without being able to verify the owner/authors, the Commission will not be sharing it further.

However, I know the article has prompted questions from staff and so I wanted to share the key issues with you.

In summary, the anonymous email sought to express this group's "frustration at the Commission's failure to fulfil its mandate as an accredited national human rights institution in regard to Israeli war crimes and crimes against humanity perpetrated against Palestinians in Gaza and the West Bank". The email demanded that the Commission initiate inquiries or activities under the Genocide Convention. They also sought actions about Commission positions, internal processes and factors causing distress to staff in relation to the conflict.

As the letter was addressed to me and made assertions about the Commission and its role, the Commissioner group considered it, as we together are 'the Commission' under the *Australian Human Rights Commission Act 1986* (Cth).

The Commission had been in the process of updating our public messaging on our position on the Middle East crisis as part of our normal business before we were made aware of a possible letter from staff, through an enquiry from a Guardian journalist.

Any Commission position is determined by consensus by me and the seven Commissioners. This was the case in [our most recent position](#) statement on the International Court of Justice (ICJ) ruling on provisional measures to protect the human rights of Palestinians in Gaza. The position statement was guided by our responsibility as Australia's NHRI to work cooperatively with all Australian communities in the promotion and protection of human rights and was aligned with statements from the Office of the High Commissioner for Human Rights.

We acknowledge that the conflict between Israel and Palestine is causing a great deal of pain for many in Australia, and it is understandable that people feel strongly about it. There are a diversity of experiences and perspectives among Commission staff, as there are within the community.

The Commission's mandate as Australia's National Human Rights Institution means our focus is first and foremost on human rights *within* Australia. The available data suggest a dangerous rise in anti-Semitism, Islamophobia, anti-Arab and anti-Palestinian racism, and neo-Nazi activity. My meetings with Government and community leaders have been focused on what the Commission can do to de-escalate tensions within and between Australian communities during a time of considerable suffering. We continue to listen to, consult with and support communities in Australia that are affected by the conflict. We are also working with the Federal Government under the National Anti-Racism Framework to address anti-Semitism, Islamophobia, racial hatred and racial discrimination.

I would like to clarify that, under our Act, it is *not* part of our functions to inquire and report into the Australian Government's obligations under the Genocide Convention. That Convention has not been declared as a relevant international instrument under section 47. Even if it were, it would only apply in the Australian context.

However, under the Paris Principles for National Human Rights Institutions, we *do* have a role in cooperating with the UN, with regional institutions and the NHRIs of other countries – which we continue to do in the current context.

We have not been silent on the crisis. We have made regular public statements about the events unfolding in Israel and Palestine. Prior to the Commission statement on the ICJ ruling, I wrote on behalf of the Commission to the Australian Prime Minister, published an opinion piece, made public statements and speeches, and hosted, among others, the UN Special Rapporteur, Francesca Albanese.

We acknowledge that some would like to have seen us make statements that more strongly reflected their own respective positions. However, we have consistently called for respect for human rights – including the right to freedom of assembly – and the protection of

civilians, provision of humanitarian aid to the people of Gaza, and the return of all civilian hostages. This is in keeping with statements by the Office of the High Commission for Human Rights and with other NHRIs.

We consider the welfare of our staff to be of the utmost importance. You have access to and actively use, a range of forums and internal processes to share your perspectives, provide feedback, access support and raise concerns.

We are disappointed that the group of staff who sent this letter did not feel they could raise these matters through the range of internal avenues already available. We are also concerned that we learned about staff dissatisfaction through an external media outlet who sought our response to a letter that had not yet been shared with us. We, the Commissioner group, are committed to taking steps to understand and address any factors that contributed to some staff feeling this way.

Please remember that you *do* have many avenues for providing feedback, including:

1. [Anonymous reporting form](#)
2. Raising matters with your manager to convey on your behalf
3. People & Culture team
4. Town Hall meetings
5. Staff Meetings
6. The CPSU
7. Relevant governance sub-committees, including the Organisational Culture and Development Sub-Committee and the Strategic Issues and Engagement Sub-Committee
8. Other Directors on the Senior Management Group/Director, the Chief Executive or President.

In addition, you and your immediate families are provided access to free, confidential and professional counselling services through the Employee Assistance Program (EAP). The People & Culture team have facilitated a number of information sessions on EAP and workshops on 'Transforming your relationship with stress' and 'Responding to challenging interactions'. The team also have a program of upcoming wellbeing sessions particularly focused on the psychosocial wellbeing of staff. Should you need *immediate* support, please reach out to your managers. They are committed to supporting each of you through this time.

The Commissioners will further consider some of the matters raised in the anonymous email in future Commissioner meetings. Each of us will also be meeting with our respective teams.

It is a really difficult time to be working in the human rights space, here and around the world. We are not the only organisation grappling with how to deal with these challenges in a measured, principled and respectful way.

Thank you for everything you do for the Commission and your continued commitment to our important work.

Regards

Ros

Emeritus Professor Rosalind Croucher AM FAAL

President

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.