

Coleman v Australia

Violation: ICCPR art 19(2)
 Lodged: 14 January 2003
 Concluded: 16 July 2006
 Status: **Unremedied**



In 1998, this 26-year-old law student and political activist made a speech – which included reading the text of the *Universal Declaration of Human Rights* – in Townsville’s pedestrian mall without a permit (pictured),¹ in breach of a local government by-law. Police present in the mall filmed him, but did not stop him. He was subsequently fined and detained by police for five days for non-payment of the fine. His arguments concerning freedom of assembly and expression were rejected in the District Court and Court of Appeal, and he was denied leave to appeal to the High Court of Australia.

The HRC found that his speech was on subjects of public interest (such as human rights, Indigenous land rights and mining) and his conduct was neither threatening nor unduly disruptive. His arrest, conviction and imprisonment were ‘disproportionate’ and ‘undoubtedly’ a violation of his freedom of expression. Australia was asked to quash his conviction, refund his fines and court costs (nearly AU\$3000) and compensate him for his imprisonment. It has done none of these.



Patrick Coleman in 2011 (photo: Olivia Ball)

‘The State party is under an obligation to provide the author with an effective remedy, including quashing of his conviction, restitution of any fine paid by the author pursuant to his conviction, as well as restitution of court expenses paid by him, and compensation for the detention suffered as a result of the violation of his Covenant right.’

HRC, 2006

¹ A still from CCTV footage of Patrick Coleman on the day in question, obtained from police evidence and provided by the author.