

## **STATEMENT BY THE HUMAN RIGHTS COUNCIL OF AUSTRALIA**

Item 2  
5 June 2009

The Human Rights Council of Australia (HRCA) thanks the High Commissioner for Human Rights for her presentation to the Council and welcomes her update. We see great value in the strongly thematic approach that she has taken in the update, focusing on especially significant issues.

We are pleased at the attention given in the update to the human rights of migrants, an issue of universal significance that affects almost all States. We support the High Commissioner's call for ratification of the Migrant Workers Convention. Unfortunately the majority of States that have ratified the Convention are States of origin. The Convention has particular significance for receiving States but few have ratified it. They should move to ratification without further delay.

We appreciate the High Commissioner's comments on the treatment of irregular migrants and the use of administrative detention. As an Australian non-government organisation, we applaud the Australian Government's positive reforms to its administrative detention system for migrants, while noting that much more needs to be done.

The Human Rights Council of Australia appreciates the High Commissioner's discussion of violation of human rights of civilians in armed conflict situations. We found very useful her specific examples of especially serious situations. We cannot agree with criticism by some States that some of these examples do not relate to 'armed conflict'. We agree with the comment of the African Group that some of the examples are 'not merely' armed conflict but all the examples given are certainly armed conflict. The situation of civilians in armed conflict is an issue of great concern. We urge the High Commissioner to give it priority in the work of her Office.

We are concerned at some comments during this debate on the relationship between the Council and the High Commissioner. The distinguished ambassador for Indonesia rightly said that it has not always been the case that this Council has performed its work in a fair and equal manner. We cannot understand the call by the distinguished ambassador for Algeria that the High Commissioner ensure that Special Procedures mandate holders respect the Code of Conduct. That is not her job. It is not her responsibility.

We strongly support the call by the distinguished representative of the Philippines for 'mutual respect and trust' in the relationship between the Council and the High Commissioner. There has been no lack of respect on the part of the High Commissioner but we have witnessed many examples of lack of respect shown by many States to the present High Commissioner and her predecessors. We thank the Philippines for this call and urge States to show the necessary respect to the High Commissioner and her Office.