

STATEMENT BY THE HUMAN RIGHTS COUNCIL OF AUSTRALIA

Item 4
9 June 2009

The Human Rights Council of Australia thanks you, Mr President, for your reminder yesterday to non-government organisations that their comments under this agenda item should be respectful and within the Council's rules of procedure. We respectfully request that a similar reminder be given to those States whose conduct in this Council is consistently worse than that of most NGOs.

The Human Rights Council of Australia agrees completely with the comments yesterday by the distinguished representative of Cuba that there is a world crisis in ethics and morals. In our experience that crisis is the responsibility of the world's governments, not of the world's peoples.

The crisis finds expression in a crisis in human rights throughout the world, which is the responsibility of this Council. It is evident even in the work of the Council where principle and law are often forgotten. For example, in the past Cuba has refused on principle to use 'no action' motions to prevent legitimate debate on its human rights performance but now Cuba itself moves 'no action' motions, as in the Special Session on Sri Lanka.

Although it is difficult for a political body such as this, the Council must return to working on the basis of international law. We hear in the Council frequent moves to stifle debate on human rights situations on the basis of the principle of non-interference. However, that principle is not absolute in international law. On the contrary, as the Vienna Declaration and Program of Action declares, 'the promotion and protection of human rights is a legitimate concern of the international community' and 'a priority objective of the United Nations' (paragraph 4).

For that reason General Assembly resolution 60/251 that established the Council requires the Council to 'address situations of violations of human rights ... and make recommendations thereon'. The general debate on agenda item 4 is a proper and appropriate response to this requirement from the General Assembly. It has a strong basis in international law precisely because violations of human rights, wherever they occur, are 'a legitimate concern of the international community'.