

## Human Rights Council – 37th Session

### Clustered Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1 March 2018

#### Australian Statement

Australia thanks the Special Rapporteur on torture for his presentation.

Australia has an unwavering commitment to the absolute prohibition against torture and cruel, inhuman or degrading treatment or punishment.

We were proud last year to ratify OPCAT, fulfilling a voluntary pledge Australia made during our Human Rights Council campaign.

[Pause]

Human mobility – voluntary and involuntary – continues to be one of the defining circumstances and challenges of our time. We call on all states to uphold their obligations under international law, including *non-refoulement*.

In the context of this unprecedented challenge, the New York Declaration on Refugees and Migrants provides a strong foundation to guide more comprehensive, well-managed and humane responses to people on the move. Australia remains committed to participating in the process to develop the Global Compacts; we support strong and practical outcomes.

We note the Special Rapporteur's observations on diplomatic assurances. In Australia's view, credible and reliable diplomatic assurances may be relevant to whether a state is fulfilling its *non-refoulement* obligations under article 3 of the Convention against Torture. In Australia's view, the use of diplomatic assurances is permitted as a matter of international law and they are an appropriate tool for states to use in meeting their international human rights law obligations.

Mr Melzer, like others we would be interested to hear your views on key elements of your report you would like to see reflected in the Global Compacts.

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