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Human Rights Council: Council continues to struggle to establish itself as an effective human rights body

At its seventh session, the Human Rights Council (the Council) continued its transition from the heritage of the former Commission on Human Rights to what is generally hoped to be a more effective human rights body than its predecessor. The results of the seventh session suggest that unfortunately this transition could take much longer than expected.

Amnesty International welcomes the renewal of ten thematic and three country Special Procedures as among the positive outcomes of the seventh session. In particular, the organisation is pleased with the renewal of the mandate of the Special Rapporteur on the situation of human rights defenders. The session also saw the first appointments of 16 new Special Procedures mandate-holders made under the new selection process. Together, these developments demonstrate a widely-shared commitment to the crucially important Special Procedures. There were nonetheless some troubling signs. Amnesty International remains seriously concerned about the concerted efforts by a small number of states, including Algeria, Egypt and Pakistan, to rewrite the rules governing the selection of mandate-holders in order to impose measures that would seriously undermine the independence and effectiveness of the Special Procedures

While Amnesty International takes satisfaction that the important mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression was renewed, it regrets the deeply flawed amendments voted into the enabling resolution and in particular the request that the Special Rapporteur report on abuses of the right of freedom of expression. That request runs contrary to the main purpose of the mandate, which is to protect and promote the right to freedom of expression. In making it, the Council is departing from its mandate by deciding to police the exercise of rights rather than promote and protect them.

Amnesty International notes with satisfaction the renewal of the mandates for the Special Procedures devoted to the human rights situations in the Democratic People's Republic of Korea, Myanmar and Somalia. The organisation regrets, however, that the mandate of the Independent Expert for the Democratic Republic of the Congo (DRC) was terminated and replaced by an ambiguous call on a group of thematic Special Procedures to carry out a joint mission to the country and report to the Council in March 2009. Amnesty International considers that the proponents of this new approach to assisting the DRC bear a heavy onus to ensure that it will make a better contribution to improving the very grave human rights situation in that country.

Amnesty International appreciates that the Council adopted resolutions on the human rights situations in Myanmar and Sudan and on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. The organisation is, however, increasingly concerned that the Council continues to take action on only a small number of country situations that were under review in the Commission on Human Rights, with some regrettable absences such as Colombia and Belarus, while failing to act on other grave situations,

including those in Iran, Iraq, Sri Lanka, China (Tibet), the USA (Guantanamo Bay) and Zimbabwe. The organisation is also concerned that the Council continues to place an exaggerated emphasis on dialogue and cooperation in dealing with most country situations instead of focussing on addressing human rights violations. This is leading to resolutions, such as that on Sudan adopted at the seventh session, that fail to reflect adequately the severity of the human rights situation or the government's responsibility for the serious human rights violations in the country.

Amnesty International welcomes the Council's unanimous acknowledgement in its first substantive resolution on human rights and counter-terrorism that States must ensure that measures taken to combat terrorism comply with their obligations under international human rights law. The organisation notes, however, serious shortcomings in how the resolution dealt with torture, detention, listing and other key issues at the centre of the protection of human rights in connection with counter-terrorism. It will be crucial that the Council addresses those shortcomings soon in order to better fulfil its responsibility to defend the fundamental importance of respect for human rights in efforts to combat terrorism.

Amnesty International is very concerned that the discussions related to racism and religion remained highly politicised at the seventh session. Unless corrective action is taken by all concerned, these important matters promise to become enduring catalysts of confrontation.

The Council's struggle to establish itself as a more effective human rights body than the former Commission on Human Rights places an even greater onus on the Universal Periodic Review to bring about demonstrable improvements in the human rights situations in states reviewed. Amnesty International looks forward to results being achieved, starting with the first round of reviews under this new mechanism in April 2008.

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org