

AMNESTY INTERNATIONAL

Public Statement

AI Index: IOR 41/015/2005 (Public)
News Service No: 068
21 March 2005

Amnesty International welcomes UN Secretary-General's bold steps to strengthen human rights in major new report

Amnesty International warmly welcomes the bold initiatives of the UN Secretary-General to strengthen the UN's human rights machinery announced in his report "In larger freedom: towards development, security and human rights for all".

The Commission on Human Rights, the main human rights body within the UN, is becoming increasingly paralyzed in effectively addressing human rights violations around the world. The creation of a Human Rights Council with enhanced authority that can sit in sessions throughout the year could be a huge step forward.

The prominent place which the report about UN reform gives to human rights is a clear acknowledgement of the need to strengthen the protection of human rights in every country. In proposing a new Human Rights Council to replace the Commission on Human Rights, the UN Secretary-General has provided governments with a unique opportunity to put the UN's chief human rights body on a more transparent and objective footing. Amnesty International calls on all governments to respond constructively to the Secretary-General's proposal to establish a strong UN human rights body that enhances the strengths of the Commission on Human Rights and the Third Committee of the General Assembly, while remedying their shortcomings.

Amnesty International stresses that a Human Rights Council must build on the strengths of the Commission on Human Rights, the UN's principal human rights body. These strengths, some of them specifically acknowledged by the Secretary-General in his report, must be maintained and include:

- the system of independent human rights experts and rapporteurs who make a unique contribution to the advancement of human rights as thematic or country experts;
- the rights and customary activities that NGOs enjoy under the NGO ECOSOC Consultative Status and which do not exist elsewhere in the UN system. They must be preserved because they enable NGOs to make that crucial contribution to the activities of the Commission on Human Rights without which the Commission on Human Rights would not have made the substantive progress in human rights promotion and protection that it has achieved;
- the mandate to take political action on country situations where serious violations of human rights occur.

With the necessary political will, this time of UN reform offers a rare opportunity to create an effective UN human rights body consistent with the promise of the UN Charter of a world where peace and justice prevails and all people enjoy all their human rights and fundamental freedoms without discrimination.

Governments must also firmly support the Secretary-General's welcome proposal to substantially increase the resources for the Office of the High Commissioner for Human Rights, whose budget is grossly inadequate to carry out its increasingly complex human rights mandate.

Background

The Secretary-Generals report sets out a wide range of proposals to be discussed by the September High Level Summit reviewing the implementation of the Millennium Declaration. The report proposes the creation of a new UN human rights body - a Human Rights Council - either as a new principal organ of the UN, which would require an amendment to the UN Charter, or as a subsidiary body of the General Assembly, which could be established under Article 22 of the Charter. The new body would be in session throughout the year and be able to meet as new circumstances demand, unlike the current Commission on Human Rights. The Commission normally meets annually in a single six-week session in Geneva, unless the cumbersome rules for a special session can be successfully invoked. The Secretary-General's report acknowledges the major achievements of the Commission but rightly concludes: "Yet the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism. In particular, States have sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others. As a result, a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole.

Amnesty International believes that the UN's chief human rights body should be shaped following a comprehensive review of the strengths and weaknesses of the existing UN bodies dealing with human rights. It should include the following characteristics:

- be in session throughout the year and thus be able to meet in more frequent focussed sittings and be capable of convening rapidly to deal with human rights crises;
- consist of members demonstrably committed to the protection and promotion of human rights. For example, members would make electoral pledges to promote and protect human rights which could be subject to peer review;
- regular scheduled review of the human rights accomplishments, shortcomings and capacity-building needs of *all* countries in respect of *all* human rights based on an impartial, transparent and objective assessment of the human rights situation in each country. This assessment could be made under the authority of the High Commissioner for Human Rights with the assistance of independent expertise as is customary in several other UN bodies and agencies;
- substantial depoliticization and professionalization of the body's deliberations by distinguishing the analysis of human rights situations from decisions about how the UN should address particular situations. The UN's human rights experts and NGOs would be full participants in the analysis of country situations;
- retain country specific resolutions for serious human rights situations, and undertake regular review of the implementation of its decisions to ensure the highest degree of government accountability.

