

AMNESTY INTERNATIONAL

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UN Human Rights Council: A new beginning for human rights

Amnesty International today congratulated the first members of the Human Rights Council on their election, saying that: "Each member has a duty to ensure that the Council will be strong and effective and give the best possible protection to victims of human rights violations all over the world."

New Council members have a heavy responsibility to create the right structures and procedures for a Council that marks a fresh start in the UN's efforts to promote and protect all human rights in all countries, and that sets aside past practices of selectivity, double standards and excessive politicization.

All those elected made voluntary pledges and commitments on how they will work with the Council and how they will contribute to better promotion and protection of human rights internationally and nationally. Amnesty International welcomed these pledges and urged all elected members to honour their pledges in full.

Some elected states have a record of serious human rights violations or failure to cooperate fully with the human rights mechanisms established by the Commission on Human Rights. These states must improve their human rights performance and now also fulfil their distinct obligation to uphold the highest standards in the promotion and protection of human rights, as resolution 60/251, which established the Council, specifically requires them to do. Human rights organisations will monitor how, and if, these important promises are put into practice.

An important precedent for future elections

This has been the first election to a United Nations political body by absolute majority of the General Assembly; each new member of the Council had to achieve at least 96 votes in favour to secure a seat. A further welcome advance on past practice is that for the first time, candidate countries' human rights records and pledges played a distinct role in the elections, as the resolution required. It is particularly encouraging that all candidate countries have made pledges and commitments, including to:

- ratify human rights treaties;
- invite the UN's independent experts, the Special Procedures, to visit; and
- strengthen national institutions.

Many countries also announced their candidacies 30 days before the election date and four out of five regions -- except for Africa -- enabled genuine, contested elections by putting up more candidates than seats per region. These are good practices that can be improved upon in future elections.

A membership with responsibilities

The resolution establishing the Human Rights Council obliges its members to uphold the highest standards in the promotion and protection of human rights. These obligations must guide Council members in their

immediate tasks to:

review mandates, mechanisms, functions and responsibilities assumed from the Commission; and
establish the modalities for the universal periodic review.

Amnesty International calls upon the newly elected members to ensure that the work of the Council and any subsidiary bodies that it establishes be transparent and inclusive so that others with human rights expertise can contribute to implementing the Council's mandate.

The newly elected members of the Council have the principal responsibility to ensure that the Council begins without delay to fulfil its mandate to promote and protect all human rights for all, including by addressing situations of violations of human rights. However, observers, including other states, UN specialised agencies, inter-governmental organisations, independent national human rights institutions, and non-governmental organisations must also make substantial contributions to the work of the Council. The initial sessions of the Council must not only focus on procedural issues, but must also lead to tangible outcomes, including a decision by the new Council to forward to the General Assembly in 2006 the draft International Convention for the Protection of all Persons from Enforced or Involuntary Disappearances and the draft Declaration on the Rights of Indigenous Peoples.

Background

On 15 March 2006, the General Assembly adopted Resolution 60/251 establishing the new Human Rights Council. It was decided that the Council would have 47 member states elected directly and individually by secret ballot by the majority of the members of the General Assembly. The 47 seats are distributed to the regional groups as follows: African Group, 13 seats; Asian Group, 13 seats; Eastern European Group, 6 seats; Latin American and Caribbean Group, 8 seats; and Western and Others Group, 7 seats. It was further decided that when electing members of the Council, member states should take account of the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments.

In replacing the Commission on Human Rights, the Human Rights Council has the potential to be significantly more effective: it has a clear mandate to address all human rights situations, including gross and systematic violations, and a new universal review mechanism to ensure that all countries' human rights records are addressed periodically. It will meet in more frequent session, at least three times a year for at least ten weeks. The Council will be able to convene more easily in special sessions to respond more effectively to both chronic and urgent human rights situations. Importantly, the rules governing the election to the Human Rights Council require that UN member states take account of candidates' human rights record and pledges.