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UN Human Rights Council: Member governments must do more to build an effective Council

The second session of the UN Human Rights Council had a number of key issues before it during its three weeks of meetings. It considered and discussed, in unprecedented depth, the reports of the Special Procedures and received progress reports of its working groups charged with completing its architecture. It also debated at length some of the key human rights challenges facing the international community -- including the complex human rights crisis in Darfur, the human rights and humanitarian consequences of the violence in Lebanon and the Occupied Territories, and the deteriorating human rights situation in Sri Lanka. Yet, the Council has little to show for its efforts over the past three weeks.

A Disappointing Lack of Results

Amnesty International is concerned that after three weeks of substantive discussion, no decisions were taken for concrete measures to protect human rights. It is clear that the Council has many difficult challenges before it, but better use must be made of its meetings if it is to successfully meet them. It is essential that the Council develops new measures and working methods to enable it to act promptly and effectively to promote human rights and protect rights-holders throughout the world. The Council must also demonstrate its ability to act on pressing human rights situations. So far, the second session has been disappointing not only for the lack of clear results in institution-building, but also for the inability to agree on concrete measures to address even a few of the most pressing human rights situations. It is essential to the long-term success of the Council that principled and effective action is taken when the Council resumes its second session on 27 November and begins its third session immediately thereafter.

Special Procedures

Much of the second session was devoted to consideration of the reports of the Council's Special Procedures -- one of the key assets inherited from the Commission on Human Rights. Reports of missions, communications with governments and specific studies from the independent human rights experts drew the attention of the Council to situations of human rights in countries in all regions and offered specific recommendations to governments for action to address violations and better promote and protect human rights. In addition to pursuing its practice of inclusive interactive dialogue with the High Commissioner for Human Rights, the Council engaged in substantive interactive dialogues with the Special Procedures under improved procedures that involved participation by governments, non-governmental organizations and national human rights institutions from all regions. Amnesty International welcomes the positive response of many states to the Special Procedures demonstrated through the extension of invitations, positive responses to requests to visit, engagement in dialogue as "concerned" states and reports on steps taken to implement their recommendations. This recognition accorded by governments from all regions to the solid accomplishments of the Special Procedures is testimony to the importance of the Council maintaining a system of Special Procedures that is innovative, responsive and flexible. The organisation encourages further consolidation and follow-up to the integration of the Special Procedures in the Council's work at future sessions.

Unfortunately, the procedural decision on the reports and studies of the mechanisms and mandates adopted by the Council is a pale reflection of the richness of the substantive engagement with the Special Procedures and the High Commissioner for Human Rights. Amnesty International regrets that Council members could not

agree to better reflect the dialogue in that decision. Amnesty International is also disappointed that so few of the 44 draft decisions and resolutions submitted by governments in the course of the second session give effect to recommendations of the Special Procedures.

Vestiges of Commission Practices Haunt the Council

Amnesty International is concerned that the three weeks of the second session were marked by too many vestiges of practices that were responsible for discrediting the Commission on Human Rights. The lingering suspicions of many about political motivations prevented Council members from cooperating effectively to prevent further deterioration of the human rights situations in Sri Lanka. Old-fashioned political manoeuvring reminiscent of the Commission at its worst prevented the Council from addressing the gross and systematic violations that were taking place in Sudan's Darfur region and Eastern Chad as the Council met. Initiatives dealing with important matters were taken with little consultation, despite earlier commitments to the increased cooperation called for in resolution 60/251, which established the Council on 15 March 2006.

Some initiatives even appear inconsistent with decisions already taken by the Council, including in relation to the processes established in Council decision 2006/104 for the year-long review of mechanisms and decision 2006/105 on the programme of work, both of which were carefully negotiated at the first session of the Council. The over-crowded programme of work of the Commission was reproduced by the introduction of 44 draft decisions and resolutions. The timeliness of many of those initiatives at this stage in the Council's life was at best questionable, and some seemed to be little more than efforts at stale political point scoring similar to those that characterized the Commission in its most ineffective moments.

Universal Periodic Review and the Review of Mechanisms

The discussion of the updates on the informal consultations of the working groups on the Universal Periodic Review and the review of the human rights mechanisms during the third week demonstrated that progress has been made, but also that much work remains to be done in both of these crucial areas. Amnesty International looks forward to significantly greater progress being made at the first formal session of the working groups when they meet later this year.

Deferred Draft Decisions and Resolutions

Although the Council deferred consideration of the 44 draft decisions and resolutions to the resumption of its second session on 27 November, there is great deal to be done between now and that date if the Council is to get itself back on track to meeting the institutional objectives that the General Assembly set for it in resolution 60/251. It will not be true to these objectives if a significant portion of the time allocated to the Council's third session has to be devoted to resolving the unfinished business of the second session. It will not be true to the stated commitment to constructive international cooperation and dialogue if the end of the second session is marked by highly contentious initiatives adopted by contested votes.

Looking to the Future

Amnesty International hopes that the difficulties encountered by the Council and its members at the second session are nothing more than a reflection of the volume of unfinished business carried over from the Commission and the uncertainty and unpredictability that comes with efforts to build a truly new UN human rights institution with better working methods than its predecessor. Amnesty International calls on Council members and observer states to fulfil their commitment in resolution 60/251 to strengthen the UN human rights machinery, move beyond lip service to constructive international dialogue and cooperation, and demonstrate the necessary political will to build the cross-regional agreements needed to create a strong and effective principal UN human rights body. Amnesty International urges the many governments that are committed to the promotion and protection of human rights and to the building of a Human Rights Council worthy of the General Assembly's aspirations to demonstrate to themselves, to others mired in the ways of the past and to the world that they are up to the task.

Background

The Human Rights Council met in its second session from 18 September to 6 October 2006. On 6 October it adjourned the second session until 27 November when it will resume the session to take action on the 44 tabled draft resolutions and decisions.