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UN Human Rights Council Sixth regular session

Compilation of statements by Amnesty International

(including joint statements)



12 - 30 March 2007
AI Index: IOR 40/013/2007

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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UN Human Rights Council

Fourth regular session

Compilation of statements by Amnesty International (including joint statements)

The following statements were delivered during the fourth regular session of the Human Rights Council which took place between the 12th and 30th March. The full text is posted on the extranet page of the UN Human Rights Council1.

Statement on the Death Penalty

9th Plenary Meeting: Reports, Studies and other documents prepared by the Secretariat, the United Nations High Commissioner for Human Rights, the Office of High Commissioner and the Secretary-General: General debate.

Delivered by *Patrizia Scannella* on 15 March 2007

Mr. President,

“The trend towards abolition and restriction in the application of the death penalty has continued”: these are not the words of Amnesty International. It is what the Secretary-General concludes in his report on the question of the death penalty to this Council.² With a total number of 128 countries around the world that have either abolished the death penalty for all crimes or for ordinary crimes, or that are abolitionist in practice, the steady progress towards universal abolition of the death penalty is undeniable.³

Yet, in 2006 executions persisted in 25 countries, with China accounting for the vast majority of these. Executions have become rare and abnormal events in the vast majority of countries. Ninety per cent of executions recorded in 2006 took place in just five countries, namely China, Iran, Iraq, Pakistan and the USA. Many executions were carried out after unfair trials.

Amnesty International welcomes the recent introduction of Supreme Court review for all death sentences in China. We appreciate China’s statement of 12 March that this measure is to limit the application of the death penalty. The Supreme Court review must be accompanied by measures to ensure full transparency on the use of the death penalty and to reduce the number of crimes punishable by death. Amnesty International urges the Chinese authorities to broaden and accelerate reforms with a view to abolishing the death penalty once and for all.

Despite universal acceptance that the death penalty shall not be imposed on offenders under the age of 18, Iran continues to regularly execute child offenders. It is now the only country in the world to do so. Last year, three child offenders were executed in Iran.

¹ <http://portal.ohchr.org/>

² A/HRC/4/78

³ The number of countries having fully abolished the death penalty has gone from 23 in 1980 to 88 today. A further 40 countries have abolished the death penalty for ordinary crimes or are abolitionist in practice.

Amnesty International calls on Iran to finally pass long-standing draft legislation that would end the execution of juvenile offenders once and for all.

Amnesty International calls on the Council to build on the important work of the Commission on Human Rights on the question of the death penalty, including by reminding states of their international obligations regarding safeguards on the use of the death penalty and by calling for a universal moratorium on executions in countries that retain the death penalty. Amnesty International considers the death penalty a violation of fundamental human rights - the right to life and the right not to be subjected to torture or cruel, inhuman or degrading punishment. Our organization calls again on all countries that retain the death penalty to abolish it without further delay, in line with the UN goal of abolishing this ultimate cruel, inhuman and degrading punishment.

Press statement by *Irene Khan* on 15 March 2007⁴

Human Rights Council: Secretary General Irene Khan speaks in Geneva on the future of the Council.

The UN Human Rights Council is one of the key achievements of the UN reform process of 2005. The Council was created to promote respect for human rights. But for the last nine months this has been put in cold storage while it focuses on its architecture. Architecture is important -- it is important that the Council gets it right. The Special Procedures form an important part of such architecture, which is why NGOs have launched a petition calling for their preservation. The Special Procedures are at the core of the UN's human rights machinery. The previous UN Secretary-General described the Special Procedures as the crown jewels of the UN human rights system. Now, here, we are faced with some governments trying to sell the crown jewels. Which could lead to undermining the independence and effectiveness of the Special Procedures and their ability to respond with flexibility to critical human rights situations and issues. Governments have taken an approach of working through a "bloc" system. There has been rigidity to the negotiations based on regional positions. It has been a politicized process. With the EU on one side, and the OIC and Africans on the other, the risk is that what was good and strong in the UN Human Rights Commission could now be weakened. The Council's architecture has to be completed by June. The Council needs to ensure it does so. There is a huge opportunity cost to this process. Mandate and working methods is not an end in themselves, but the means to bring about effective change. The Council has to stop navel-gazing and look at the world around it. There are critical human rights situations that are not getting the attention they deserve. For example: Iraq, Guantanamo and Somalia. But these are only some examples. There is a real opportunity for the Council to set a new approach towards dealing with critical human rights situations. The Council must take a truly protection-oriented approach rather than a politics approach. Let's look at the way the Council began:

- It dithered on Sri Lanka and took no action - with killings and abductions continuing with impunity;
- It was weak on Darfur;
- It was not creative or strategic on Israel and the Occupied Territories.

The Council lacked vision: the same old approaches led to the same old reactions and same old responses. The lack of a report on Beit Hanoun is no excuse for no action on Darfur. There is a risk of a downward spiral of tit-for-tat that would leave people exposed with no remedy. What kind of message is the Council sending to the people of Beit Hanoun? That

⁴ <http://web.amnesty.org/library/Index/ENGIOR300052007> , AI Index: IOR 30/005/2007 (Public)

their suffering is being used to barter away the rights of those in Darfur. And what is the message to the people of Darfur? The UN Human Rights Council needs to rise above the usual approach of the past. People are waiting and watching. Public opinion shows that trust in the UN and its member states is at an all time low. The way in which the Council approaches human rights situations will determine the way in which people will view them. In my discussion with UN Human Rights Council members they tell me they want a new approach based on cooperation rather than confrontation. AI's response is that cooperation must produce positive human rights outcomes - it is not an excuse to settle on the lowest common denominator. The credibility of the UN Human Rights Council and indeed of the entire UN is at stake.

We have to remember that the UN Human Rights Council was born out of an incomplete process of the reform of the United Nations. One Council was created and another one was not fully reformed. The failures and frustrations of one aspect of reform should not be allowed to cast a shadow over the rest. Governments need to take a principled and constructive approach based on human rights in this Council - or they will undermine confidence in the entire UN and that is a dangerous, zero-sum game for all sides. It is very important for the UN system to restore confidence in itself. Today's discussion may be a technical one on Special Procedures, but it has very important implications not just for the Council but for human rights and the UN.

Statement on the High-Level Mission to assess the human rights situation in Darfur and the needs of the Sudan in this regard

11th Plenary Meeting: Follow-up to decisions and resolutions adopted by the Human Rights Council, Interactive dialogue

Delivered by *Peter Splinter* on 16 March 2007

The High Level Mission's findings confirm those of Amnesty International's research, and those of other organizations, including the UN. Civilians in Darfur continue to be murdered, raped, forcibly displaced and suffer other serious human rights violations by the government of Sudan, the Janjawid militia and other armed groups. The human rights disaster in Darfur continues and has spread into eastern Chad. Contrary to assertions of Sudanese representatives, attacks on civilians by the Janjawid militia are ongoing, and to pretend otherwise is to be wilfully blind.

Although armed groups opposed to the Sudanese government have committed serious violations of human rights and international humanitarian law, the government of Sudan bears the primary responsibility for protecting civilians in Darfur. Not only has the government persistently failed to fulfil that responsibility, it is continuing to support and equip Janjawid militias. Together they bear the largest responsibility for grave violations of human rights and international humanitarian law in Darfur and eastern Chad.

Amnesty International believes that the report of the High Level Mission provides this Council with a considered and authoritative assessment of the current human rights situation in Darfur. It offers sound recommendations for the protection of the civilian population. It is imperative that this Council now use the report and other material already before it to make a substantial contribution to the protection of civilians in Darfur.

Amnesty International is deeply dismayed by the efforts of the government of Sudan and others to discredit and prevent this Council from considering the report of the High Level Mission. This is particularly disturbing given Sudan's refusal to cooperate with the Human Rights Council by failing to issue the visas necessary for the full High-Level Mission to carry out work inside Sudan. This morning we heard vague innuendo about one member of

the High-Level Mission being biased. Where are the facts to back up this assertion? Why don't the Sudanese representatives mention that the person in question examined the situation in Darfur as Acting High Commissioner for Human Rights? [What does this say about respect for UN offices and mechanisms?]

The refusal of the government of Sudan to cooperate with the High Level Mission marks the fourth time since the creation of this Council less than a year ago that a government has refused to cooperate with a mechanism established by the Council. Israel refused to cooperate with the mechanisms established at the first three special sessions. We noted with interest the important remarks of Ambassador Wibisono this morning. Amnesty International is also deeply concerned that this negative trend of non-cooperation or lack of true cooperation is undermining the authority of the Council; if not addressed, this will harm the Council's ability to take effective action to promote and protect human rights.

Amnesty International urges the Human Rights Council to take immediate action to address the grave human rights violations taking place in Darfur and to contribute to the efforts of the United Nations and the African Union to protect the civilian population of Darfur.

Joint Statement between Friends World Committee for Consultation, International Federation of Human Rights Leagues, International Service for Human Rights, International Work Group for Indigenous Affairs, the Netherlands Centre for Indigenous Peoples and Amnesty International).

Statement on the UN Declaration on the Rights of Indigenous Peoples

11th Plenary Meeting: Any other issue relating to the follow-up to decisions of the Human Rights Council

Joint statement by Amnesty International, Fédération internationale des ligues des droits de l'homme, Friends World Committee for Consultation, International Service for Human Rights, International Work Group on Indigenous Affairs (IWGIA), Netherlands Committee for Indigenous Peoples (NCIV), Rights & Democracy.

Delivered by *Rachel Brett* (Friends World Committee for Consultation) on 16 March 2007.

This is a joint statement by the following Human Rights organizations with ECOSOC Status: Amnesty International, Fédération internationale des ligues des droits de l'homme, Friends World Committee for Consultation, International Service for Human Rights, International Work Group on Indigenous Affairs (IWGIA), Netherlands Committee for Indigenous Peoples (NCIV), Rights & Democracy. The UN Declaration on the Rights of Indigenous Peoples adopted by the Human Rights Council in June 2006 is an affirmation of the human rights of the world's most vulnerable and frequently victimized peoples. As Human Rights Organizations working for the protection and advancement of human rights, we commend the Human Rights Council for the adoption of this text and stress the necessity of the General Assembly adopting the Declaration before the end of the 61st session. General Assembly Resolution 61/178 provides an opportunity for states and Indigenous representatives to build greater understanding and ensure broad support for the Declaration. We urge the international community to work closely with Indigenous peoples to ensure that adoption of the Declaration is not further delayed.

We are concerned that a few states are attempting to exploit this moment to initiate a new process of negotiating the *Declaration*. Those states calling for a renegotiation of the text have a lengthy list of provisions that they want to change. This includes articles that were provisionally adopted in the Working Group process and human rights protections affirmed by UN treaty bodies. Further negotiation will not achieve a stronger text or broader support. On the contrary, the re-opening of the text would erode support and be a chaotic process which would endanger the *Declaration*.

We are also concerned that these states have promoted a reopening of the text through extreme and unsubstantiated claims about the impact of the *Declaration*. Statements that the *Declaration* would jeopardize the rights and interests of other sectors of society wilfully ignore the fact that the *Declaration* can only be interpreted in relation to the full range of existing human rights protections and state obligations. This is explicitly acknowledged in the *Declaration* itself. It is critical that states avoid perpetuating the unwarranted fears and prejudices that stand as barriers not only to the final adoption of the *Declaration* but also to the realization of Indigenous peoples' human rights in general.

There is no doubt that implementation of the *Declaration* will be challenging for some states. The international community would not have invested decades in the development of this instrument if the goal was to endorse the status quo. We remind states that the goal of the international human rights system is to protect human rights in every instance, not just when it's convenient for states.

We believe that there is much to be appreciated and nothing to be feared in the *UN Declaration*. Indigenous peoples and states have developed language that would help to promote the re-conceptualization of Indigenous and state relations in a fashion that promotes the democratic principles that guide the United Nations. After spending decades discussing what are Indigenous rights—now it is time for states, Indigenous peoples, and civil society to work together to create a reality where the human rights of Indigenous peoples are recognized, affirmed and implemented.

Question to the Chairman of the Working Group on Enforced or Involuntary Disappearances

18th Plenary Meeting: New reports of the Special Procedures: Working Group on enforced or involuntary disappearances.

Delivered by *Peter Splinter* on 22 March 2007

Thank you President. My questions are for the Chairman of the Working Group on Disappearances, although I realize that he is no longer here in person.

In light of the large number of unresolved disappearance cases that the WGEID has raised with the government of Sri Lanka and the limited capacity of the recently appointed national Commission of Inquiry to address the scale of the problem, what can be done to protect the Sri

Lankan population from disappearances and to investigate those disappearances and other human rights abuses that continue to take place?

Yesterday in the inter-active dialogue we heard that the Government of Sri Lanka might extend an invitation to the Working Group to visit Sri Lanka in 2008. Amnesty International welcomes the readiness of the Government of Sri Lanka to receive a visit of the Working Group, but we would like the visit to take place much sooner. Addressing the growing numbers of disappearances in Sri Lanka is a matter of urgency.

We have understood that the government of Sri Lanka did not feel able to accommodate a visit by the Working Group now due to visits by other Special Procedures. We encourage the Working Group and all other Special Procedures to consult among themselves in prioritizing requests for country visits according to the situation on the ground. We recommend that the Coordination Committee explore how mission requests can be more effectively coordinated.

The Working Group notes that some governments need to do more to clarify past cases of disappearances and ensure a strong system of rule of law whereby people are free to pursue truth and justice. Can you provide some examples of measures that should be taken by governments to guarantee justice and the right to truth?

The Working Group expresses concern about the increasing number of reports received during the reporting period regarding disappearances, acts of intimidation and reprisals against human rights defenders, witnesses, legal counsel and relatives of disappeared persons. What measures can the Human Rights Council take to deal effectively with the cases of intimidation and reprisals identified by the Working Group and other Special Procedures? How can the Council better protect human rights defenders and relatives of victims seeking justice?

Thank you, Mr. President.

Statement on the implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”

18th Plenary Meeting: General debate

Delivered by *Patrizia Scannella* on 22 March 2007

Mr. President,

Following on the interactive dialogues with the Representative of the Secretary-General on the human rights of internally displaced persons and the Special Rapporteurs on violence against women, its causes and consequences, Amnesty International would like to make the following remarks.

In the report on his mission to Colombia, Prof. Kälin refers to one of the causes of displacement as being the recruitment of children by armed opposition groups and paramilitary groups.

The demobilization of paramilitary groups has been deemed by many in the international community to have been successful. Yet Amnesty International’s research indicates that, after a lull of a few months, paramilitary groups have resumed their recruitment of children for combat and, in some cases, sexual purposes. This has sometimes been carried out in collusion with the security forces. This form of recruitment is not “forced” but can be relatively large scale, sometimes involving truckloads of several scores of children, some of whom are as young as 12. The armed opposition groups have also continued to recruit children as young as 11 and in some cases even younger, mainly from rural areas.

Amnesty International urges further investigation of this serious phenomenon.

Mr. President,

Amnesty International welcomes the much wider definition of “culture” contained in the report of the Special Rapporteurs on violence against women. We believe that this

definition will be invaluable in contributing to mainstreaming gender concerns throughout the UN system. In our view, it would be important to move outside the narrow framework within which “culture” has been discussed and include this wider understanding of the relationship between culture and violence against women in the work of all the Special Procedures, treaty monitoring bodies and across the work of the UN.

Thank you, Mr. President.

Joint Statement⁵ on Darfur

18th Plenary Meeting: General Debate

Delivered by *Jeremie Dwight Smith* (Cairo Institute for Human Rights Studies) on 22 March 2007

Thank you Mr. President,

The Special Rapporteurs on violence against women, its causes and consequences; has reported eloquently on the horrific impact of violence against women in conflict. But as her report was given, and as this debate continues, thousands of women in Darfur face continual threats of sexual violence. This Council must not delay in addressing the suffering of the people in Darfur. The world is watching as the Council takes up this issue. I have the honour to represent civil society organizations from countries and territories from around the world including, Egypt, Thailand, India, Malaysia, the Occupied Palestinian Territory, Sri Lanka, Brazil, Canada, the United States, the United Kingdom and others. We all welcome the report of the high-level mission on the situation of human rights in Darfur which draws attention to the plight of over 2 million internally displaced persons and the ongoing violence against women. As organizations representing concerned citizens from almost every region, we urge the Council to adopt a strong resolution that takes note of the high-level mission report, and takes action on the recommendations therein. In our view a strong resolution is a small but much needed step towards addressing grave human rights abuses in Darfur and the failure of the government of Sudan to meet its obligation to protect its citizens. Failure to adopt such a resolution will cast serious doubt on the credibility of this Council which must rise above politicization in the name of victims. The citizens of the world demand action now to provide protection to the people of Darfur.

⁵ **ECOSOC Accredited Signatories:** Al Haq (Occupied Palestinian Territory), Amnesty International (UK), Asia Pacific Forum on Women, Law and Development (Thailand), Cairo Institute for Human Rights Studies (Egypt), Canadian Council of Churches (Canada), Center for Women’s Global Leadership (USA), Conectas Direitos Humanos (Brazil), Forum Asia (Thailand), Human Rights Watch (USA), International Women’s Rights Action Watch, Asia Pacific (Malaysia), International Movement Against All Forms of Discrimination and Racism (Sri Lanka) and Minority Global Rights Initiative (UK).

Supported By:

Ain o Salish Kendra (Bangladesh), Banglar Manabadhikar Suraksha Mancha (Bangladesh), Blue Diamond Society (Nepal), Center for Minority Rights Development (Kenya), Commonwealth Human Rights Initiative (India), Community Development Association (Sudan), Democracy Coalition Project (USA), East and Horn Africa Human Rights Defenders Project (Uganda), Humanus International (Cameroon), International Refugee Rights Initiative (USA), Liberia Coalition of Human Rights Defenders (Liberia), Open Society Institute (USA), Suaram (Malaysia), Zimbabwe Lawyers for Human Rights (Zimbabwe).

Statement on the follow-up to the Third Special Session of the Human Rights Council

Follow-up to the decisions and resolutions adopted by the Human Rights Council (Resolutions S-1/1 and S-3/1)

20th Plenary Meeting: Interactive Dialogue with Mr. John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

Delivered by *Peter Splinter*, on 23 March 2007:

Mr. President,

The refusal of the Government of Israel to cooperate with the High-Level Fact-Finding Mission on Beit Hanoun marked the third time that the Government of Israel refused to cooperate with a mechanism established by this Council. Israel also refused to cooperate with the fact-finding mission headed by the Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967, established by the Council at its first special session. It refused to cooperate with the high-level Commission of Inquiry established by the Council at its second special session.

More recently, the Government of Sudan has refused to cooperate with the High-Level Mission created by the Council at its fourth special session.

Amnesty International is deeply concerned by the refusal of the governments of Israel and Sudan to cooperate with the mechanisms established by this Council. If this negative trend of non-cooperation continues, it will contribute to seriously undermining the authority and the credibility of the Human Rights Council.

In determining what can be done to address the emerging serial non-cooperation, the Council must also be attentive to how it establishes the specific measures for which it requires cooperation. The governments participating in the Council must put aside political posturing and contribute to the Council adopting and implementing concrete measures aimed at actually improving human rights situations. The Council membership has gone to great efforts to do this with Sudan – to the point of allowing the Sudanese fox to guard the Darfurian henhouse.

The Council should make a greater effort to move beyond the prevailing dialogue of the deaf to a real dialogue, however limited, in connection with the Occupied Palestinian Territories. Powerful friends and groups of friend must use their influence to promote that dialogue not to block it. Governments, all concerned governments, must seek to address with specific measures both the on-going large scale gross and systematic human rights violations committed by the Israeli authorities and the human rights abuses committed by Palestinian authorities and armed groups.

Israel should be offered a real opportunity to cooperate with the Council and its mechanisms; it should seize that opportunity; and if it fails to do so, it must be held to account.

Amnesty International urges the Council to agree immediate steps to address non-cooperation by governments. Such steps could include reporting such non-cooperation with the mechanisms of the Human Rights Council publicly and prominently to the General Assembly.

Thank you Mr. President.

Questions to the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions, as well as the Special Rapporteurs on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance

27th Meeting: Interactive dialogue on extrajudicial, arbitrary or summary executions; people of African descent and racism, racial discrimination, xenophobia and related intolerance

Delivered by *Shireen Mukadam* on 28 March 2007:

Thank you Mr. President,

My questions are for the Special Rapporteurs on extrajudicial, summary or arbitrary executions and the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Prof Alston,

Thank you for your report. You have again raised the important issue of the lack of cooperation by many states with your mandate, including in relation to responses to urgent communications, and to requests for missions, in particular the case of your long-standing request to visit Iran. We also welcome your efforts to focus attention on the quality of government responses to your communications. Amnesty International also believes that the Human Rights Council must address the failure of states to respond fully and promptly to communications and mission requests coming from the Special Procedures. We call on the Government of Iran to fulfil its standing invitation, and accept your request without further delay.

Prof Alston,

In your report to the Council last year, you examined the theme of transparency and the death penalty. To what extent has that report resulted in constructive dialogue on the measures required to ensure full transparency in the administration of the death penalty?

Mr Diène,

Amnesty International welcomes the emphasis you put on the importance of ensuring follow-up to special procedures' recommendations. We believe that the Council must ensure better follow-up to Special Procedures' mission and country reports, to communications and generic studies, each of which have their own particular requirements for follow-up. Could you elaborate on your idea for institutional follow-up mechanisms presented in paragraph 13 of your main report? What do you see as the main value of country missions in the context of your mandate?

Mr President,

The Council must discuss and address persistent failure to cooperate. Effective cooperation with the Special Procedures should inform Council's decisions about how to address situations and UN member states' decisions about which states to elect on the Council.

Thank you Mr President.

Question to the Special Representative to the Secretary General on the issue of human rights and transnational corporations and other business enterprises

29th Plenary Meeting: Interactive dialogue on the issue of human rights and transnational corporations and other business enterprises and on corporate and State responses to questionnaires on policies and practices; the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the situation of human rights defenders

Joint Intervention by Amnesty International, ESCR-Net, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights

Delivered by *Nicholas Howen* (International Commission of Jurists) on 29 March 2007

We appreciate the Human Rights Council's continued focus on business and human rights and the Special Representative's attention and commitment to working on this complex subject. We are grateful for the opportunity to offer our views today. We will focus our remarks on three central points.

First, the Special Representative's report rightly recognises that the expansion of global markets has not been matched with sufficient protection for the people and communities who are the victims of corporate human rights abuses. This is a serious problem that clearly touches on the Council's mandate to advance and enhance human rights protection. In our view, it is essential that the Council's discussions on business and human rights incorporate the perspective of those affected by corporate human rights abuses and are informed by an understanding of the nature and scale of such abuses, in order to ensure a comprehensive analysis of the problem and the identification of appropriate solutions.

Second, we share the Special Representative's concern that States either do not fully understand their duty to protect against corporate human rights abuses or are not always able or willing to fulfil this duty. National regulation of business conduct in relation to human rights is often inadequate and commonly victims of corporate human rights abuses have little access to meaningful justice or remedies either in their home country or in a country where the company in question is headquartered. It is clear from the report of the Special Representative that, in order to uphold their international legal obligations, states should be doing much more to regulate companies and to provide access to justice for these victims.

Third, while voluntary and multi-stakeholder initiatives have a role to play in relation to business and human rights, and sometimes take on more demanding characteristics, we are concerned that many such initiatives lack credibility because they fail to ensure that the principles which they advocate are upheld in practice. Common weaknesses in voluntary initiatives include their limited coverage in terms of companies and rights, lack of robust reporting or monitoring criteria to demonstrate compliance, absence of mechanisms to address non-compliance and failure to address the problem of laggard companies who persist in their unwillingness to respect human rights. In light of this experience, we would emphasize that an over-reliance on voluntary initiatives as a means of safeguarding the human rights of the victims of corporate human rights abuses would be both inappropriate and inadequate.

If his mandate is extended how does the Special Representative intend to analyse the patterns of corporate abuses, and their impacts on individuals and communities, and to integrate the perspective of victims into his programme of work as a basis from which to develop recommendations to the Human Rights Council which address their concerns?

Questions to the Special Rapporteurs on the Right to Health and the Special Representative of the Secretary General on the situation of Human Right Defenders

29th Plenary Meeting: Interactive dialogue on the issue of human rights and transnational corporations and other business enterprises and on corporate and State responses to questionnaires on policies and practices; the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the situation of human rights defenders

Delivered by Valeria Fruzzetti on 29 March 2007:

Thank you Mr President.

My questions are for the Special Rapporteurs on the Right to health and the Special Representative of the Secretary General on the situation of Human Right defender

Prof Hunt,

Your report is an excellent contribution to advancing thinking on the right to health including drawing attention – again – to the terrible current levels of maternal mortality. We welcome your support for Amnesty International’s developing campaign on human dignity, including our plans to increase work on maternal mortality as a human right issue. We are interested in the follow up you have undertaken on your previous mission to Peru, particularly whether the government has yet provided information on measures adopted to implement your recommendations.

In your report, you note that “there is a new maturity about the health and the human rights movement”. Who so you suggest should carry out the detailed ,technical and ongoing work required to document trends, advances and setbacks on a global scale? Should it be traditional human rights organizations public interest analyst, WHO, academic bodies, governments or new organizations not yet established?

Do you think that there is a hierarchy for action by the human rights movement which parallels the core obligation versus progressive realization of health rights? Should some neglected health rights be of higher priority to human rights organization than others?

Miss Jilani,

Your report focuses in part on the particular problems faced by defenders promoting and protecting economic, social and cultural rights in having their work accepted as human rights work. What measures could be taken to increase the awareness of these groups as human rights defenders? Could you suggest any useful initiative to facilitate alliances with other parts of the human rights community?

Your report to General Assembly urged states to review their legal framework with the aim of ensuring that national legislation is in conformity with the Declaration on Human rights Defenders and other international standards. At the same time, you indicated that the trend seemed to be moving in the opposite direction. Have you received any information to suggest that any states are following up on this recommendation to General Assembly?

Thank you, Mr. President

Statement on the Other Issues Segment

30th Plenary Meeting: Other issues including initiatives/ decisions/ resolutions

Delivered by *Peter Splinter* on 30 March 2007

General Assembly resolution 60/251 tasked this Council with developing the modalities of the Universal Periodic Review mechanism and with undertaking a review of the mandates and mechanisms inherited from the Commission on Human Rights. It is essential that the Council takes decisions at its fifth session to complete the institution building within one year of the Council's first session, as stipulated by the founding resolution.

Member states have an individual and a collective responsibility to enable this Council to protect rights holders and provide relief to persons whose rights are violated. While learning the lessons of the past, including the not so distant past, the Council membership must work harder to establish a working environment and methods that will enable the Council to contribute to enhancing the enjoyment of all human rights of all persons in all countries and territories.

The process of developing the institutional underpinnings of the Council – important as it is – has created a long hiatus in attention to the promotion and protection of human rights in specific countries. Amnesty International takes this opportunity to draw to the attention of the Council only some situations of human rights violations that require its urgent attention:

- The failure of the international community to address the **secret detention and ill-treatment of detainees in Guantánamo Bay and elsewhere** has corroded the foundations of the international framework of human rights protection. It is critical to the credibility of the Council that it addresses this human rights aberration without further delay.
- Gross violations of human rights continue in **Iraq** four years after the rule of Saddam Hussein ended. The Council must acknowledge this human rights tragedy and begin to address it.
- Although the Security Council recently rejected a proposed resolution on **Myanmar**, its members acknowledged that the human rights situation in that country needs to be addressed. Amnesty International urges the Human Rights Council to do so at the earliest opportunity.
- The establishment of the Transitional Federal Government in **Somalia**, after 16 years of state collapse, provides an important opportunity for this Council to address the grave human rights situation in that country and offer assistance to the government.
- The human rights situation in **Sri Lanka** continues to deteriorate despite government efforts, such as the establishment of the national Commission of Inquiry and International Independent Group of Eminent Persons. The Council should provide assistance to the government towards addressing impunity for human rights violations and putting in place practical measures to protect the civilian population caught in the conflict.
- Amnesty International was dismayed to learn that consideration of **Uzbekistan** under the 1503 procedure has been discontinued notwithstanding a manifest failure to cooperate with the Council's independent expert. Serious human rights violations continue to be committed in Uzbekistan, and it is essential that the Council address this situation.

Amnesty International urges the Human Rights Council to complete its institution building process and address these and other situations of grave human rights violations without further delay.

Thank you Mr. President.

Integrating the Human Rights of Women into the Human Rights Council

Joint Statement by Amnesty International, Centre for Women's Global Leadership and Human Rights Watch⁶

The Human Rights Council faces many challenges. One crucial challenge is to develop its work methods in a manner true to the sentiment repeated annually by the Commission on Human Rights: "acknowledging the need to integrate the gender perspective in a more systemic way into all aspects of [its] work."⁷ The resolve for a comprehensive gender integration process was further consolidated during the debate at the Fourth Regular Session of the Human Rights Council on March 29, 2007, when **57** states called for gender integration of the Council's permanent agenda and programme of work as an essential first step.

This paper sets out the minimum threshold for gender integration into the Council's main mechanisms and work methods. The following concrete steps would preserve what the Commission on Human Rights began in terms of gender integration, while also strengthening the methods and mechanisms for doing so.

These steps constitute the absolute minimum for what the Council must do to be an effective protector of the human rights of women.

Agenda and Programme of Work:

Ensure at least one full day of discussion every year on the human rights violations suffered mainly or exclusively by women.

Ensure adequate planning and capacity-building for the Council to address the differential impact on women and girls of all human rights situations under its consideration.

Review of the Special Procedures:

Mandate gender integration and the explicit consideration of women's and girls' human rights under each relevant Special Procedure, and ensure adequate capacity building to allow for such integration.

Continually identify protection gaps in areas of human rights violations that mainly or exclusively affect women and girls, and create a means to address these gaps.

Universal Periodic Review:

Integration of the respect for human rights of women into the criteria on which states will be reviewed, whether qualitative or quantitative, with particular focus on gender-specific human rights violations.

⁶ This is a joint statement by Amnesty International, the Centre for Women's Global Leadership and Human Rights Watch that was issued in connection with HRC4, but was not delivered to the Council at the 4th regular session.

⁷ See most recently Commission on Human Rights res. 2005/42: "Integrating the human rights of women throughout the United Nations system."

Explicit evaluation of the gender-specific criteria of the review in the UPR outcome mechanism for each state, utilizing, *inter alia*, analysis and observations from treaty bodies and Special Procedures as appropriate.